THE OFFICE of the CLERK OF ASSIZE:

CONTAINING

The *Form* and *Method* of the Proceedings at the Aſſizes, and general Goal-delivery, as alſo on the Crown and *Niſi Prius* ſide.

Together with

The Office of the Clerk OF THE PEACE.

Shewing the true Manner and Form of the Proceedings at the Court of General Quarter-Seſſions of the Peace.

With divers Forms of Preſentments and other Precedents at Aſſizes and Seſſions.

With a Table of Fees thereunto belonging.

The Second Edition Corrected and Amended, with ſeveral New Additions.

LONDON, Printed for *H. T.* and are to be ſold by *W. Freeman* at the *Bible*, over againſt the Middle-*Temple* Gate in *Fleet ſtreet*. 1694.

Wing W. 127.

by W., T.

Bezahl Pambaten omne
libra Anno Dni 1694

RB. 23. a. 8760

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Advertiſements.

Officium Clerici Pacis: A Book of Indictments, Informations, Appeals and Inquiſitions: Alſo the manner of holding the *Seſſions of Peace*; with divers other Matters relating thereunto, and neceſſary to be known by *Juſtices of the Peace.*

A Compendious and Accurate Treatiſe of *Fines* upon Writs of Covenant, and *Recoveries* upon Writs of Entry in the Poſt; with ample and copious Inſtructions how to draw, acknowledge and levy the ſame in all Caſes. Being a Work performed with great Exactneſs, and full of Variety of Clerkſhip. The Third Edition. With an Addition of ſeveral Preſidents, and many Obſervations, Rules and Caſes concerning the Effect and Operation of *Fines* and *Recoveries.* Both ſold by *W. Freeman* at the *Bible* in *Fleetſtreet.*

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TO THE READER.

AMong all the Laws of this Realm, 'tis moſt neceſſary that the Courſe and Practice of all thoſe Courts ſhould be known, which are ordein-

ed for the Pleas of the Crown, for they may concern all manner of Persons of what Degree or Condition soever: For these Laws preserve the Safety of the King, the Lives and Estates of the Subjects, and the Peace and Quiet of the Kingdom; *Reliquæ Leges Privatorum Hominum commodis prospiciunt, Hæ Regiæ Majestati, Subditorum vitæ ac Publicæ Tranquilitati consulunt.* Yet since no Person hath wrote upon this Subject, and that 'tis so necessary in respect of common

mon Uſe, this ſhort Treatiſe is expoſed to the Publick View of the World, that young Students may with more eaſe improve their Knowledge in the Practice of theſe Courts, that young Officers and Clerks may take the advantage and benefit of theſe Directions, and that all Perſons may know the manner and form of the Proceedings in all Criminal Caſes; not only extending to loſs of Life and Member, but alſo to all other Offences of an Inferiour Nature; to the intent that

that men may enjoy their Lives, ſecure their Goods, reap the fruit of their Labours, and rejoyce under their own Vines, and glory in their Happineſs, when Delinquents dare not wrong their Neighbours, nor break the Peace, nor offend the Laws; For *Oderunt peccare Mali formidine Pœnæ.*

THE

The manner and form of Proceedings at the Assizes, and General Gaol Delivery holden by his Majesties Justices, according to the Laws and Customs of the Realm.

THat Justice may twice every year be derived to the people, in their several Countries, for their great ease and benefit, the King doth in every *Hillary* and *Trinity* Term assign his Justices and Barons of his Courts at *Westminster*, to take Assizes *Jurates* and *Certificates* in every County in his Realm, except *Middlesex*, where his Courts of Record do sit, and where his Courts for his County *Palatines* be held. Stat. 13 *Ed* 1. *West.* ca. 30. *Co.* 2. Inst. 422, 423, 424.

Two of them in the Counties of *Hertford*, *Essex*, *Kent*, *Sussex*, and *Surry*.

Two others in the Counties of *Southampton*, *Wiltes*, *Dorset*, *Devon*, *Cornwall*, and *Somerset*.

Two others in the Counties of *Oxford*, *Worcester*, *Stafford*, *Salop*, *Hereford*, *Monmouth*, *Glocester*, and *Berks*.

Two others in the Counties of *Norfolk Suffolk, Cambridge, Huntingdon, Bedford,* and *Buckingham.*

Two others in the Counties of *Warwick, Leiceſter, Derby, Nottingham, Lincoln, Rutland,* and *Northampton.*

And two others in every *Trinity* Term in the Counties of *York, Northumberland, Cumberland, Weſtmerland,* and *Lancaſter*; but in every *Hillary* Term, two only for the Counties of *York,* and *Lancaſter.*

The Biſhoprick of *Durham* is omitted out of the Northern Circuit, for that 'tis a County *Palatine,* but the King in every *Trinity* Term grants a Warrant to the Biſhop of that Dioceſs to iſſue out like Commiſſions to the Judges appointed to ride that Circuit for that County, as the King grants to his Judges in other Counties.

In every *Hillary* and *Trinity* Term the Juſtices of both Benches, and the Barons of the Exchequer, do aſſemble together in *Serjeants* Inn, to chooſe their Circuits, where the Lord Chief Juſtice makes his firſt choice, then the Lord Chief Juſtice of the Common Pleas, then the Lord Chief Baron of the Exchequer, and then the other Judges do in their Order according to their antienty make choice of their ſeveral Circuits, but no Judges may ride that Circuit wherein he was born without a *Non obſtante.*

Stat. 8 *R.* 2. c. 2. 33 *H.* 8. c. 24. Stat. 27 *Ed.* 1. c. 4. 12 *Ed.* 2. c. 3. 14 *Ed.* 3. c. 16. *Co.* 2 Inſt. 422.

Any Juſtice of the one Bench or the other, or any Serjeant at Law, or the King's Attorney being joined with one of the Juſtices

ſtices or Serjeants may take Juries or Enqueſts by *Niſi Prius*.

When the Juſtices of Aſſize have made choice of their Circuits, they do uſually wait on the King, and give his Majeſty an account what Circuits they have choſen, and then the King does alter or confirm their Choice as to him ſhall ſeem moſt fit; and then by himſelf, or his L. Chancellor, gives to them his Inſtructions and Directions what he would they ſhould do and obſerve in their ſeveral Circuits.

Then the Juſtices of Aſſize ſhall appoint their Seſſions in the chief Towns of every County, where the Shire Courts there uſed to be holden, unleſs the Chancellor, by the advice of the Juſtices, do order that otherwiſe, except in the County of *Cumberland*, where the Seſſions of the Juſtices of Aſſize and Gaol Delivery ſhall be holden (in the time of peace and truce) in the City of *Carliſle*, and not elſewhere. Stat. 6 *R.* 2. c. 5. Stat. 11 *R.* 2. c. 11. Stat. 34 *H.* 6. c. 3.

Then the King grants Warrants to iſſue out their ſeveral Commiſſions in every Circuit.

The Patent of Assize.

CAROLUS secundus Dei gratia &c. Dilectis & fidelib⁹ suis O. B. & S. B. salt̃m Sciatis q̃ Constituimus vos Justiciar' nostros una cum hiis quos vob Associavimus ad omnes Assis Jurat & Certificat coram quibuscunque Justic̃ tam p diversa br̃ia Dñi Caroli nup Regis Anglie p̃ris nostri p̃charissimi & p diversa alia br̃ia sub nomine stilo tit̃lo seu Teste quibuscunque q̃m p diversa br̃ia nostra in Com̃ nostris Hertford Essex Cant̃ Sussex & Sur' arraiand̃ capiend̃ Et ideo vob mandamus quod ad c̃tos dies & loca que ad hoc p̃videritis Assis Jurat & Certificat illas capiatis facturi inde quod ad Justic̃ pertinet secundum leg̃ & Consuetud̃ Regni nostri Anglie Salvis nob Amerciamen & ar ad nos inde spectan Mandavimus enim Vicecomitibus nostris Com̃ p̃dict' quod ad certos dies & loca que eis scire fecerit is Assis Jurat & Certificat illas una cum br̃ib⁹ Originalib⁹ & omnib⁹ aliis ea tangen coram vob venire fac̃ In Cujus rei testimonium has lras nostras fieri fecimus Patentes Teste meipso apud Westm̃ &c.

Barker.

The

The Patent of Association.

CAROLUS secundus Dei gratia &c. Dilectis & Fidelibus suis L. L. & T. S. &c. salutem. Sciatis quod Constituimus Dilectos & fideles nostros O. B. Mil' & Baronett' Capitalem Justic' nostrum de Banco S. B. Mil' unu' Justic' nostrorum ad plita coram nob' tenend' assign' Justic' nostros ad omnes Assis Jurat' & Certificat' coram quibuscunque Justic' tam p diversa bria Dn'i Caroli nup' Regis Anglie Pris nostri pcharissimi & p diversa alia bria sub nomine stilo titlo seu tenore quibuscunque quam p diversa bria nostra in Com' nostris Hertford' Essex' Cant' Sussex' & Surr' arraiand' capiend' Associavimus vos pfat' O. B. & S. B. ad omnes Assis Jurat' & Certificat' pdict' una cum eis (hac vice) capiend' Et ideo vob' mandamus quod Capt'oni Assis Jurat' & Certificat' pdict' una cum pfat' O. B. & S. B. ad hoc intendatis in forma pdcâ facturi inde quod ad Justic' ptinet secundum leg' & consuetud' Regni nostri Anglie Salvis nob' Amerciamen' & al' ad nos inde spectan' Mandavimus enim eisdem O. B. & S. B. quod vos ad hoc in Societatem admittant in forma pdcâ In Cujus rei &c. Teste &c.

Barker.

The Writ of Admittance.

CAROLUS secundus &c. Dilectis & fidelibus suis O. B. Mil & Baronetto Capitali Justic suo de Banco & S. B. Mil un Justic ad plita &c. salt Cum Constituimus vos Justic nostros ad omnes Assis Jurat & Certificat coram quibuscunque Justic tam p diversa bria Dnd Caroli nup Regis Anglie Pris nostri pcharissimi & p diversa al bria sub nomine stilo titlo seu tenore quibuscunque qm p diversa bria nostra in Com nostris Hertford Esser' Cant Sussex' & Surr' arraiand capiend Et Assignavimus Dilectos & fideles nostros L. L. & T. S. &c. vob pfat O. B. & S. B. ad omnes Assis Jurat & Certificat pdict' una vobiscum (hac vice) capiend vob mandamus quod ipsos L. L. & S. T. &c. ad hoc in loc admittatis in forma pdca Mandavimus enim eisdem L. L. & T. S. &c. quod Capitoni Assis Jurat & Certificat pdict' una vobiscum ad hoc intendant in forma pdca. Te' &c.

Barker.

The

The Writ of *Si non omnes*.

CAROLUS secundus Dei gratia &c. Dilectis & fidelibus suis O. B. Mil & Baronett Justic suo de Banco S. B. Mil und Justic suo ad plita &c. L. L. T. S. &c. salt̃m Cum Constituimus vos p̃fat O. B. & S. B. Justic nostros ad omnes Assis̃ Jurat & Certificat coram quibuscunque Justic tam p diversa bria Dnd Caroli nup Regis Anglie P̃ris nostri p̃charissimi & p diversa al bria sub nomine stilo titlo seu teste quibuscunque qm̃ p diversa bria nostra in Com̃ nostris Hertford Essex' Cant̃ Sussex' & Surr' arraiand̃ capiend̃ Et Associavimus vos p̃fat L. L. T. S. &c. vob̃ vos p̃fat O. B. & S. B. ad omnes Assis̃ Jurat & Certificat p̃dict' una vobiscum (hac vice) capiend̃ Vob̃ mandamus quod si vos omnes Capt̃oni Assis̃ Jurat & Certificat p̃dict' commode interesse non possitis tunc duo vestrum quos plentes esse contigerit quorum vos p̃fat O. B. & S. B. unum esse volumus ad Capt̃onem Assis̃ Jurat & Certificat p̃dict' p̃cedatis Teste meipso apud Westm̃

Barker.

The Commission of *Oyer* and *Terminer*.

Co. 4. Inst. 162.

CAROLUS secundus Dei gratia &c. Prædilecto & fideli Consiliar' suo Heneagio Domino Finch Dom Cancellar' A. Com E. &c. salutem Sciatis qd Assignavimus vos & tres vestrum quorum Aliquem vestrum vos ꝑfat O. B. & S. B. unum esse volumus Justiciar' nostros ad inquirend ꝑ sacrum ꝓbum & leg hominum de Com nostris Hertford Essex' Cant Sussex' & Surr' & eorum quolibt ac aliis viis modis & mediis quibus melius sciveritis aut poteritis (tam infra libtat qm extra) p quos rei veritas melius sciri poterit de quibuscunque Prodicionibus Misprisionibus Prodicionum Insurrecionibus Rebellionibus Murdris Feloniis homicid Interfecionibus Burglar' Raptibus Mulierum Congregacionibus & Conventicul licitis verborum placonibus Coadjuticionib Misprisionib Confederacionibus falsis Allegantiis transgressionibus Riotis Routis Retencionibus Escapiis Contempe falsitat negligenciis concealamene manutenen Oppressionibus Cambiparciis Decepcionibus & aliis Malefactis Offens & Injuriis quibuscunque Necnon Accessar' earundem infra

fra Com̃ p̃dict' & eorum quemlibet (tam infra libtat' qm̃ extra) p quoscunque & qualitercunque hic fact' ppetrat' sive Commiss' & p quos vel p quem cui vel quibus quando qualiter & quomodo Ac de aliis Articul' & Circumstanciis p̃missa & eorum quodlibt seu eorum aliquod vel aliqua qualitercunque concernen' plenius veritatem Et ad easdem P̃dictiones & alia p̃missa (hac vice) audiend' & terminand' secundum legem & consuetud' Regni nostri Anglie Et ideo vobis mandamus q̃d ad certos dies & loca que vos vel tres vestrum (quorum aliquem vestrum vos pfat' O. B. & S. B. unum esse volumus) ad hoc pvideritis diligene sup̃ p̃missis fac' Inquisic̃ones & p̃missa omnia & singul' audiatis & terminetis ac ea fac' & explcatis in forma p̃dc̃a facturi inde quod ad Justic' ptinet secundum legem & consuetud' Regni nostri Anglie salvis nob' Amerciamen' & al' ad nos inde spectan' mandavimus enim Vicecomitibus nostris Com̃ p̃dict' q̃d ad certos dies & loca que vos vel tres vestrum quorum aliquem vestrum vos pfat' O. B. & S. B. unum esse volumus eis scire feceritis venire fac' coram vob' vel tribus vestrum quorum aliquem vestrum vos p̃fat' O. B & S. B. unum esse volumus tot & tales pbos & leg' hoies de Vallibis suis (tam infra libtat' qm̃ extra) p quos rei vitas in p̃missis melius sciri potit' &

inquirj

inquiri In Cujus rei testimonium has Iras nostras fieri fecimus Patentes Teste me ipso apud Westm die Anno Regni nostri tricesimo secundo.

Barker.

The Commission of Gaol Delivery.

Co. 4. Inst. 168.

CAROLUS secundus Dei gratia &c. Dilectis & fidelibus suis O. B. Mil & Baronett Capitali Justic suo de Banco S. B. Mil uni Justic suorum ad plita &c. L. L. T. S. &c. salutm Sciatis qd Constituimus vos quinque quatuor tres & duos vestrum quorum aliquem vestrum vos pfat O. B. & S. B. unum esse volumus Justic nostros ad Gaolam nostram Com nostri Hertford de Prisonibus in ea existen hac vice deliband Et ideo vob mandamus qd ad certum diem quem vos quinque quatuor tres vel duo vestrum quorum vos pfat O. B. & S. B. unum esse volumus ad hoc pviditis conveniatis apud Villam Hertf' ad Gaolam illam deliberand Facturi inde quod ad Justic ptinet secundum leg & consuetud Regni nostri Anglie salvis nob Amerciamen & al ad nos inde spectan Mandavimus enim Vic nostro Hert-

Hertfozd̄ quod ad certum diem quem vos quinque quatuoz tres vel duo veſtrum quozum vos ꝑfat̄ O. B. & S. B. unum eſſe volumus ei ſcire feꝛitis omnes Pꝛiſones ejusdem Gaole & eozum Attach̄ cozam vob̄ quinque quatuoz tribus vel duobus veſtrum quozum aliquem veſtrum ꝑfat̄ O. B. & S. B. unum eſſe volumus ibm̄ venire fac̄ In Cujus rei Teſtimonium has ſtras noſtras fieri fecimus Patentes Teſte me ipſo apud Weſtm̄ &c.

Barker.

Eſſex the like *apud Villam Chelmsford.*
Canc' the like *apud Villam Maidſtone.*
Suſſex' the like *apud Villam Eaſt-Grinſted.*
Surry the like *apud Villam Kingſton.*
} *mutatis mutandis.*

When the Commiſſions be delivered to the ſeveral Juſtices of Aſſize, then they iſſue forth their Summons under their Hands and Seals for holding the Aſſizes in every County in their ſeveral Circuits.

The

The Summons of the Assizes.

Hertf. ss. O.B. *Miles & Baronettus Capital. Justic. Domini Regis de Banco & S. B. Miles un. Justic. dicti Domini Regis de Banco, Justic. ipsius Domini Regis ad omnes Assizas Jurat. & Certification coram quibuscunque Justic. tam per diversa brevia Dom.* Carol. *nuper Regis Angl. patris nosti prechariſſimi & per diversa alia brevia sub stilo, nomine, titulo, seu teste quibuscunque, quam per diversa alia brevia dicti Domini Regis nunc in Com.* Hertford, *arraianament. capiend. assign. Vicecom. ejusdem Com. salutem, ex parte dicti Dom. Reg. nunc, Tibi Præcipimus quod non omitt. propter aliquam Libertatem in Balliva tua quin venire facias coram nobis apud* Hertf. *in Com. tuo die Veneris viceſimo die Septembris, proxime futur. omnia brevia, Assizarum, Jurat. & Certificationum coram quibuscunque Justic. tam per diversa brevia dicti nuper Regis & per diversa alia brevia sub stilo, nomine, titulo seu teste quibuscunque, quam per diversa brevia dicti Domini Regis nunc in Com. tuo arraianament. capiend. una cum Panel. Attachi. re-Attachi. sum. resum. & omnibus aliis Admini. Assizas Jurat. & Certificationes ill. qualitercunque tangent. proviso semper quod Attachi. Reattach. sum. resum. inde fiant per quindecim dies ante præd. diem Veneris venire facias etiam coram nobis præfat.* O. B. & S. B. *Justic. ipsius Domini Regis ad Gaolam suam Com. sui* Hertf. *præd. de Priſon. in*

ea

ea existen. deliberand. assign. apud Hertf. *prad. in Com. prædict ad prædict diem Veneris omnes Prisonar. in Gaola prædict. existen. una cum eorum Attachi. Indictament. & omnibus aliis Adminiculis Prison. illos qualitercunque tangent. & de Vicinet. cujuslibet Villæ & loci ubi Felonia unde iidem Prison. Indictat. appellat. sive arrestat. existunt facta fuerint tam infra Libertatem quam extra vigint. quatuor probos & legales homines per quos rei veritas melius sciri poterit & Inquiri & qui Prison. illos nulla affinitate attingunt una cum quatuor hominibus & Præpositis Villæ & Loci eorum ad faciendum ea quæ ex parte dicti Domini Regis nunc, tunc & ibidem eis injungentur Publice etiam proclamari fac. per totam Ballivam tuam, quod omnes illi qui sequi volunt versus Prison. illos quod tunc sint ibi versus eos prout Justum fuerit Prosecutur. Sciri fac. etiam Omnibus Justic. pacis, Majoribus, Coronatoribus, Escaetoribus, Seneschall. necnon omnibus & singulis Capital. Constabulariis & Ball. cujuslibet Libertatis & Hundred. in Com. tuo, quod tunc sint ibi in propriis personis suis cum Rotulis, Recordis, Indictament. & aliis memorand. suis ad faciendum ea quæ ad officia sua pertinent in hac parte facienda; & quod tuipse & subvicecom. tuus una cum Ballivis & aliis Ministr. tuis tunc sitis ibi in propriis personis vestris ad faciendum ea quæ ad Officia vestra pertinent in hac parte facienda & habeas ibi tunc nomina Justic. pacis Major. Coronatorum, Escaetor. Seneschall. Capitalium Constabulariorum Ballivorum & eorum quos sic venire feceris coram quibus & quos sic scire feceris, &*

habeas

habeas ibi tunc hoc præcept. Dat. apud Weſtmonaſterium, *Viceſimo quarto die* Auguſti, *Anno Regni, Domini Noſtri,* Caroli *Secundi, Dei Gratia,* Angliæ, Scotiæ, Franciæ, *&* Hiberniæ *Regis, Fidei Defenſoris,* &c. *Decimo nono.*

When the Sheriff, or the Under-Sheriff, ſhall have received this Precept, he ſhall forthwith ſend to the Bailiffs of the ſeveral Hundreds and Liberties within his County, a Warrant for Summoning of the Aſſizes.

The form of the Warrant made by the Sheriff or Under-Sheriff, for the Summoning of the Aſſizes.

Hertf. ſſ. A. B. *Miles Vicecom. Com. præd. (Ballivo Libertat. de* C. *vel) Ballivo Hundred. de* A. *Salutem. Virtute cujuſdam præcepti mihi direct. Tibi mando quod Venire fac. coram* O. B. *Mil. & Bar. &* S. B. *Mil.* &c. *Juſticiar. Aſſiz. in Com. præd. ad Aſſizas apud* H. *in Com. præd. die Veneris viceſimo die* Sept. *prox. tenend. omnia brevia,* &c. *Necnon,* &c. *ſeperal. perſon. ſubſcript. ad faciend. ea quæ tunc & ibidem ex parte Domini Regis eis injungent. Publice etiam proclamari facias per totam Balliv. tuam quod omnes illi qui ſequi voluerint verſus Priſon. in Gaola Domini*

Dalton's Office of Sheriffs, fo. 76, 77.

ni Regis. Com. præd. quod tunc ſint ibi verſus eos prout juſtum fuerit proſecutur. Scire facias etiam omnibus Juſtic. pacis, Major. Coronat. Eſcaetoribus Seneſchall. & omnibus Capital. Conſtabular. infra Hundred. tuum quod tunc ſint ibi cum Rotulis, Recordis, Indictamentis & aliis Memorand. ſuis ad fac. ea quæ ad ſeperal. Officia ſua pertinent & quod tuipſe ſis adtunc ibidem ad faciendum omnia ea que ad Officium tuum pertinent & habeas ibi nomina præd. Juſtic. Major. Coronator. Seneſchal. Eſcaetor. Ballivorum Libertatum necnon Capital. Conſtabular. una cum hoc præcepto ſub periculo incumbente. Dat. ſub ſigillo Officii mei tali die & Anno, &c. *Anno Domini.* 1672.

A. B. *Miles Vic.*

A. B. *Mil. Vicecom.* &c. *Ballivo Hundredi de* R. *ſalutem. Ex parte Domini Regis tibi mando quod per totam Ballivam tuam Publice proclamari fac. deliberation. Gaol. Domini Regis in Com. præd. eſſend. coram* O. B. *Mil. & Baronetto*, &c. *& ſociis ſuis Juſtic. Domini Regis ad Aſſizas*, &c. *apud* H. *in Com. præd. die Veneris*, &c. *Et quod omnes illi quiſequi voluerit verſus priſon. quod tunc ſint ibi verſus eos p' ut juſtum fidit proſecutur Ac viginti quatuor probos & legales homines Hundred. præd. de Vicin. in quibus aliqui Priſon. indictat. arreſtat. vel appellat. exiſt. una cum quatuor hominibus & præpoſit. cujuſlibet Villæ & loci in quibus Priſonar. præd. capt. fuerunt tunc ſint ibidem parati ad audiend.* Aliter.

diend. & faciend. ea, &c. *Et habeas ibidem nomina Jurator. præd. Et hoc præcept*, &c. *Datum die*, &c.

Dalton's Office of Sheriffs, 77.

Tibi etiam mando quod capias T. C. *de* I. (or *has perſonas ſubſcript.*) *Ita quod corpus ejus* (or *corpora eorum*) *habeas coram Juſtic. præd. ad diem & locum præd. ad reſpondendum dicto Dom. Regi de quibuſdam tranſgreſſionibus & contempt. unde indictatus exiſtit* (or *indictati exiſtunt*) *& hoc*, &c.

Tibi etiam mando quod Venire fac. has perſonas, in Schedula huic Warrant. annexa nominatas, Ita quod ſint ad diem & locum prædict. ad faciend. ea quæ eis tunc & ibidem injungentur.

Per A.B. *Miles Vicecom.*

Dalton's Office of Sheriffs, 77.

And file a Schedule to the backſide of this Warrant, in which Schedule may be ſet down, the Names of ſuch as the Bailiffs ſhall warn for the great Inqueſt by themſelves, And for the Jury of Life and Death by themſelves. Theſe two laſt Subſcriptions, or the like, may be written under the former Warrant, and then the Warrant to be ſigned with the Sheriff or Under-Sheriff's Hand and Seal of Office: Or elſe at the end of the Warrant (*ſc.* under it) the Sheriff or Under-Sheriff may ſet down the names and dwelling-places of ſuch as he will have warned to ſerve in or upon the Grand Jury in particular, and he ſhall do well to keep

keep a note of them, that he may be able to ſhew to the Court, if need require, who he had determined to have returned for that ſervice if they had come, and if the fault fall out to be in the Bailiff, then he ſhall be puniſhed and the Sheriff excuſed.

Jurors in Indictments ſhall be returned by the Sheriff or Bailiffs of Franchiſes, without any denomination to the Sheriff or Bailiffs, before made by any perſon of the Names which by him or them ſhould be impannelled (except it be by the Officers of the ſaid Sheriff or Bailiffs ſworn, and known to make the ſame, and other Officers to whom it appertain to make the ſame according to the Law, and if any Indictment be made to the contrary, it ſhall be void. Stat. 11 H. 4. c. 9.

Note, for this great Inqueſt (or Grand Jury) it is meet that three or four be returned out of every Hundred, and the Names of the Hundreds to be written in the Margin of the Return againſt the names of the Hundreders.

And if the Sheriff ſhall return any ſuch Jurors (either to the Aſſizes or to the Seſſions of the Peace) without giving them warning by his Bailiff, the Sheriff is Fineable.

Then the Sheriff ſhall make his return of Summons of the Aſſizes after this manner:

The Return of Summons of the Assizes.

Dalton's Office of Sheriffs, fo. 76.

VIrtute istius præcepti mihi direct. Venire feci coram Justiciariis infra Script. ad diem & locum infra contentum omnia brevia Assizar. Jurator. & Certificationum in Com. H. *infra-script. (coram quibuscunque Justic. tam per diversa Brevia Domini Caroli nuper Regis Angliæ quam per diversa brevia Domini Regis nunc) una cum Pannellis, Attachiamentis, re-Attachiamentis, Summon. re-Summon. & omnibus aliis adminiculis Assizar. Juratores & Certificationes illos qualitercunque tangent. Venire feci etiam coram præfat. Justiciariis ad Gaolam dicti Domini Regis in Com.* Hertf. *præd. de Prisonibus in ea existentibus deliberand. assignand. ad præfat. diem omnes Prison. in Gaola præd. existen. una cum eorum Attachiamentis re-attachiamentis & omnibus aliis adminiculis Prison. illos qualitercunque tangent. & de vicineto cujuslib. villæ & loci. ubi Felonia unde iidem Prisonar. indictati appel. sive arrestat. existunt fact. fuerunt, tam infra Libertates quam extra vigint. quatuor probos & legales homines per quos rei veritas melius sciri poterit & inquiri & qui Prisonar. illos nulla affinitate attingunt, una cum quatuor hominibus præposit. villæ & loci eorum ad faciendum ea quæ tunc ibidem eis ex parte Domini Regis nunc injungentur. Publice etiam proclamari feci per totam Ballivam*

vam meam quod omnes illi qui ſequi voluerint verſus Priſon. illos ſeu eorum aliquem, quod tunc ſint ibi verſus eos prout juſtum fuerit proſecuturi; ſcire feci etiam omnibus Juſtic. pacis, Majoribus, Coronatoribus, Seneſchall. Capital. Conſtabul. & Ballivis Libertatum & Hundred. Comitatus prædict. quod tunc ſint ibidem cum Rotulis, Record. Indictamentis & aliis memorand. ſuis ad faciendum ea quæ ad Officia ſua pertinent prout interius mihi præcipitur.

Reſiduum executionis iſtius præcepti patet in quibuſdam ſchedulis huic præcepto annexatis.

A. B. *Arm.* Vic.

Then follows the Pannels of the twenty four of every Hundred of the ſame County for the Grand Jury, and ſhall be annexed to the Return of the ſaid Precept. *Crompt.* 206.

The Return of the precept for the Gaol-Delivery.

EXecutio iſtius præcepti patet in diverſis panellis eidem præcept. conſut. & ulterius proclamari feci per totam Ballivam meam, quod omnes illi qui proſequi voluerint verſus aliquos vel aliquem de ullo infra contento pro Domino Rege aut pro ſeipſis quod tunc ſint ibidem cum billis ſuis in forma juris proſecutur, &c. *liber. Intrat,* 443. *b.*

Next follows a Calendar of the names of the Juſtices of Peace, Mayors, Coroners, Stewards, Chief Conſtables, and Bailiffs of Liberties and Hundreds, and Priſoners which are in the Gaol, or which are bailed by the Juſtices after they were committed, *&c.* ſhall alſo be delivered by the Sheriff to the Juſtices of Gaol-delivery. The form whereof ſee here.

The Form of the Calendar.

Dalton's Office of Sheriffs.

Hertf. K*Alendarium de nominibus Juſtic. pacis Domini Regis Major. Coronator. Seneſchall. Ballivor. Labertatum Capital. Conſtabul. & Balliv. Hundred. in Com. prad. ſummon. ad eſſend. ad Aſſizas tenendas apud* Hertford *in Com. prad. die Veneris viceſimo die* Septembris *Anno Regni Domini Noſtri,* Caroli *Secundi, Dei Gratia,* &c. *Defenſoris,* &c. *Ac de nominibus Priſon. in Gaola pradict. exiſten.*

Nomina Juſtic. pacis.

H. *Dom.* F. *Dom. Cancellarius Angl.*

T. *Comes* S. *Dom. Theſaurarius Angl.*

J. *Comes* S.

J. *Comes* B.

A. *Comes* E.

H. G. *Baronettus Magiſter Rotulorum Cancellariæ.*

J. M. *Miles Balnei & Baronettus.*
T. L. *Baronettus.*
P. B. *Miles Balnei.*
J. G. *Miles.*
H. G. *Miles.*

Nomina Major.

E. L. *Gen. major Burgi* Hertfordienſis.

J. G. *Gen. Major Burgi S.* Albani.

Nomina Coronator.

E. S. *Gen.*

J. C. *Gen.*

Nomina Seneſchall.

A. B. *Gen. Seneſchall. de Libertat. de* E.

C. D. *Gen. Seneſchall. de Libertat. de.* O. &c.

Nomina Capital. Conſtabul.

T. R. & S. T. *Gen. Capital. Conſtabul. Hundred de* E.

R. S. & W. B. *Gen. Capital. Conſtabul. Hundred de* O. &c.

Nomina Ballivorum Hundred.

T. C. *Ballivus Hundred. de* O.

T. V. *Ballivus Hundred. de* C.

Et ſic de aliis Ballivis alior. Hundred.

Nomina Priſonar. in Gaola Dom. Regis Com. Hertf. *exiſtent.*

I. S. *repriſ.*

I. N. *Capt. apud S. pro ſuſpect. Feloniæ, Commiſſ. per* A. B. *Ar. un. Juſtic. Dom. Regis Com. prædict.*

That the Clerk of Aſſize may call to the Juſtices of Peace for the examinations or Information againſt the Priſoner, if not put in.

Et ſic de reliquis &c.

Dalton's Office of Sheriff, *fo. 76.*

And the Warrants which the Sheriff muſt make by vertue of this Precept (for the ſummoning of the Aſſizes) to the Bailiffs of Liberties, and Bailiffs of Hundreds, muſt contain in them the whole ſubſtance of this Precept, but whether it be in *Latin* or in *Engliſh*, it is not material, ſo that it be made in

in due form. And it is needful that the Sheriff keep for himſelf a particular Note of the Names of ſuch perſons, as he nominateth in his Warrant to be ſummoned, to ſerve in or upon the Grand Jury, and not to leave it to the diſcretion of Bailiffs, to put in and out whom they liſt in that ſervice.

Then the Sheriff or the Under-Sheriff does uſually attend the Judges, who be appointed to ride that Circuit at their Chambers in Serjeants Inn, or elſewhere with a Calendar of the Priſoners names, and gives them an account what buſineſs will be at the Aſſizes in that County.

When the Judges ſet forth for that County, the Sheriff ſends his Bailiff to the edge of the County, to bring them the beſt way to that place where the Aſſize for that County is to be held; and before they come thither, the Sheriff attended with his Under-Sheriff, and Bailiffs, with their white Staves and his Livery-men with their Holberds in in their hands, and accompanied with the chief of the Gentry of the County do wait upon the Judges at the uſual place, and conduct them from thence to their Lodgings at the Town where the Aſſizes be appointed to be held.

When the Judges have repoſed themſelves at their Lodgings, and the Gentry have paid their reſpects to them, and they have put on their Robes; then the Sheriff covered, with his white Staff in his hand, attended by his Under-Sheriff bare-headed,

and his Bailiffs, uncovered, with their white Staves in their hands, and his Livery-men, uncovered, with their Holdberds in their hands, two by two on foot, wait on the Judges from their Lodgings to Church, where the Miniſter of the Pariſh reads Prayers, and the Sheriff's Chaplain gives them a Sermon; and when that is done, the Sheriff waits on them in the ſame manner from Church to the uſual place appointed for holding the Aſſizes, or General Gaol-delivery for that County.

The Clerk of Aſſizes, Marſhals, and Cryers Directions: Being

The manner and form of Proceedings at the Aſſizes and general Gaol-delivery, holden by the King's Juſtices by His Majeſties Special Commiſſion, according to the Laws and Cuſtoms of England.

FIrſt, when the Court is ſet, the Cryer muſt make three Proclamations.

Then the Clerk of Aſſize muſt cauſe him to ſay as followeth,

Viz.

My Lords, The King's Juſtices do ſtraitly charge and command all manner of perſons to keep ſilence, and hear the King's Majeſties Commiſſions of Aſſize and *Niſi prius*

prius openly read, upon pain of impriſonment.

Then muſt the Clerk of Aſſizes read

1. The Commiſſion of Aſſize.
2. The Commiſſion of Aſſociation.
3. The Writ of Admittance.
4. The Writ of *Si non omnes.*

And then the Clerk of Aſſize muſt ſay, *God ſave the King*, and the Cryer ſhall repeat the ſame with a loud voice after him.

Note, That the Writ of Admittance, and the Writ of *Si non omnes* ſhall be only read at the firſt County in the Circuit, and not in any other.

Then the Cryer muſt make one Proclamation, and ſay,

If any man will be eſſoined in Aſſize of *Novel diſſeiſin*, Aſſize of *Mortdaunceſter*, Certificate of Aſſize, *Juris Utrum*, or *Attaint*, let him come forth, and he ſhall be heard. Eſſoins.

Then the Cryer muſt make another Proclamation, and ſay,

All manner of Perſons that have any Writs of Aſſize, or Records of *Niſi prius* to be put into the Court, put them in forthwith, or none ſhall be received.

Then muſt the Cryer make a Proclamation, and ſay,

My Lords, the King's Juſtices do ſtraitly charge and command all manner of perſons to keep ſilence, and hear the King's Majeſties

ſtices Commiſſions of *Oyer* and *Terminer*, and general Gaol-delivery for this County of *H.* to be openly read, upon pain of impriſonment.

Then muſt the Clerk of the Aſſizes read the Commiſſion of *Oyer* and *Terminer*, and general Gaol-delivery, that done, ſay, *God ſave the King*; and the Cryer ſhall repeat the ſame after him with a loud voice.

Then the Clerk of Aſſize ſhall cauſe the Cryer to make another Proclamation, and ſay after him thus,

This was an old Proclamation lately revived by the Lord Chief Juſtice *Keeling*.

My Lords, the Kings Juſtices do ſtraitly charge and command all manner of perſons that none dare be ſo hardy or preſume to raiſe or inhaunce the prizes of Victuals, or Horſe-meat to greater value than they were at before the coming of the King's Juſtices, upon pain of Impriſonment.

Then the Clerk of Aſſize ſhall cauſe the Cryer to make another Proclamation, and ſay,

Sheriffs returns of the Summons of Aſſize.

Sheriff of the County of *H.* return the Precepts and Writs of Aſſize, and *Niſi prius* to you directed and delivered returnable here this day, that my Lords the King's Juſtices may proceed thereon.

Then the Sheriff delivers a Roll of all the names of the Juſtices of Peace, *&c.* to the Judge, and then the Judge takes notice of the Sheriff, and ſpeaks to him to be covered, but till then the Sheriff may not be covered.

Then

Then the Clerk of Aſſize ſhall cauſe the Cryer to make another Proclamation, and ſay,

All Juſtices of the Peace for this County of *H.* anſwer to your names at the firſt call, and ſave your Fines. The form of calling the Juſtices, and other Officers.

Then the Clerk of the Aſſize muſt name them as they are returned in the Calendar, and the Cryer muſt call them by their ſeveral names and additions one after the other in this manner.

H. Lord *F.* Lord High Chancellour of *England* one of his Majeſties Juſtices of the Peace for this County.

T. Earl of *S.* Lord High Treaſurer of *England*, another of his Majeſties Juſtices of the Peace for this County.

J. Earl of *S.* another of his Majeſties Juſtices of the Peace for this County.

J. Earl of *B.* another of his Majeſties Juſtices of the Peace for this County.

A. Earl of *E.* another of his Majeſties Juſtices of the Peace for this County.

Sir *H. G.* Baronet, Maſter of the *Rolls* in the High Court of *Chancery*, another of his Majeſties Juſtices of the Peace for this County.

Sir *J. M.* Knight of the *Bath* and Baronet, another of his Majeſties Juſtices of the Peace for this County.

Sir *H. G.* another of his Majeſties Juſtices of the Peace for this County.

And ſo of all the reſt.

If the Juſtice of Peace that is called do appear, then the Cryer muſt ſay *Vous aves*, Sir *J. G.* and the Clerk of Aſſizes muſt mark his appearance in the Calender.

When they are called, then the Clerk of Aſſize ſhall cauſe the Cryer to ſay, All Mayors of Burroughs within this County of *H.* anſwer to your names as you ſhall be called every man at the firſt Call, and ſave your Fines.

E. L. Gent. Mayor of this Burrough of *Hertford.*

J. G. Gent. Mayor of the Burrough of St. *Albans.*

Then the Clerk of Aſſize ſhall cauſe the Cryer to ſay, All Coroners of our Soveraign Lord the King within this County of *H.* anſwer to your names as you ſhall be called every man at the firſt call, and ſave your Fines; then the Clerk of Aſſize ſhall farther ſay, the Cryer repeating the ſame after him with a loud voice.

E. B Gent. one of the Coroners of this County of *Hertford.*

F. C. Gent. another of the Coroners of this County.

Then the Clerk of Aſſize ſhall direct the Cryer to call all Stewards of Leets and Liberties within this County, as they be returned in the Calendar in the ſame manner as the Coroners were called.

Then the Clerk of Aſſize ſhall cauſe the Cryer to call the chief Conſtables of Hundreds

dreds in the ſame manner as aboveſaid; and after them the Bailiffs of Hundreds, and Liberties within this County, as the Clerk of Aſſize ſhall name them to him.

Then the Clerk of Aſſize muſt cauſe the Cryer to make another Proclamation, and ſay,

Calling for return of Inquiſitions.

All Juſtices of Peace, Coroners, Stewards of Leets and Liberties, and other Officers that have taken any Inquiſitions, or Recognizances, whereby you have let any man to bail, put in your Records thereof forthwith, that my Lords, the King's Juſtices may proceed thereon.

Then the Gaoler muſt give the Clerk of Aſſize an account of what Priſoners have been bailed by any Juſtices of the Peace after they were committed, and by what Juſtices they were bailed, that the Clerk of Aſſize may call to the Juſtices of Peace that bailed them for their Recognizances.

Then muſt the Clerk of Aſſize cauſe the Cryer to make another Proclamation, and ſay,

Form of calling the Grand Jury.

You good men that be returned to enquire for our Soveraign Lord the King, and the body of this County of *H.* anſwer to your names every man at the firſt call, and ſave your Fines.

But if there do not appear enough, before any of them be ſworn, to make up a Jury, then muſt the Clerk of Aſſize call them over again, Sir *A. B* Baronet, the Cryer repeating the ſame after him, and if he

he do not then appear, then the Clerk of Aſſize muſt examine the Bailiffs who ſummon'd Sir *A. B.* to be here this day upon this ſervice; when the Bailiff anſwers that he did, then the Clerk of Aſſize ſhall bid the Marſhal give him the Book, and when the Bailiff has laid his hand on the Book, the Clerk of Aſſize ſhall ſay, You ſhall true anſwer make to ſuch queſtions as the Court ſhall demand of you, ſo help you God; and when he is thus ſworn, the Clerk of Aſſize ſhall ſay to him, By the Oath you have taken, did you ſummon Sir *A. B.* to be here this day upon this ſervice; if he ſhall ſay, Yes: Then the Clerk of Aſſize ſhall ask him, When? where? and whether in perſon or not? and what he did ſay? and if his anſwer ſatisfies the Court, that the Judge doth excuſe him, then the Clerk of Aſſize ſhall mark him ſpared; and ſo the Clerk of Aſſize ſhall ask for every one that did not appear at the firſt Call.

If there doth not appear a full Jury at the ſecond Call, then the Sheriff muſt return ſome of the Free-holders of the ſame County, that are preſent, even the Juſtices of Peace upon the Bench, if he pleaſe.

Lambert. Note, There ought to be at the leaſt thirteen upon the Grand Jury, that there may be a Caſting Vote, and ſo from that number to twenty three, for that County is beſt ſerv'd when the Gentlemen thereof, that are ingenious and learned, are aſſembled upon ſuch an account.

Note

Note alſo, that in calling the Juſtices of Peace, Coroners, Stewards of Leets & Liberties, Chief Conſtables, & Bailiffs of Hundreds, and Grand Juries, and other Juries, their appearances are uſually marked with this mark (.) and when they are ſworn, then they are uſually marked with this mark (..) or ſome ſuch other mark, and their defaults left blank in the Margin, except the Judge ſet a Fine upon any of them for not appearing, then that is ſet down in the Margin.

Then the Grand Jury muſt be called in order, every one by his name, and addition as they be returned.

When the Jury be full, then the Marſhal ſhall ſwear them after this manner,

The Fore-man by himſelf muſt lay his right-hand on the Book, and then the Marſhal ſhal give the Oath as followeth:

The Oath of the Grand Jury.

You as Fore-man of this Inqueſt, for the body of this County of *H.* you ſhall diligently enquire, and a true preſentment make of all ſuch matters and things as ſhall be given to you in charge: the King's Majeſties Counſel, your fellows, and your own you ſhall keep ſecret, you ſhall preſent no man for envy, hatred, or malice, neither ſhall you leave any man unpreſented for love, fear, favour, or affection, or hope of reward, but you ſhall preſent things truly as they come to your knowledge, according to the beſt of your underſtanding; ſo help you God.

The

The reſt of the Grand Jury by three at a time in order, are ſworn as followeth:

The ſame Oath which your Fore-man hath promiſed to obſerve and keep on his part, you and every one of you do promiſe to obſerve and keep on your parts; ſo help you God.

When all the Grand be thus ſworn, then the Clerk of Aſſize doth ſay to the Cryer, Count theſe; and as he names them, the Cryer ſhall count them, concluding after the laſt name, Good men and true, ſtand together and hear your Charge.

Then the Clerk of Aſſize ſhall direct the Cryer to make Proclamation, and ſay,

Charge giving. My Lords the King's Juſtices, do ſtraitly charge and command all manner of perſons to keep ſilence whilſt the charge is in giving to the Grand Jury, upon pain of Impriſonment.

While the Charge is giving, the Clerk of Aſsize ſhall File the Recognizance to proſecute on one File and Figure them, and thoſe to anſwer upon another File and figure them, and the Informations and Examinations upon another File and figure them, then creſt a ſheet of Paper the long waies, and enter the Recognizance to proſecute on one ſide, and the Juſtices and Examinations on the other ſide, and Figure them that he may eaſily find them.

Then he ſhall enter the Gaol in a Gaol book at a good diſtance between each name, then enter the old Recognizances taken in Court

Court at the precedent Aſsizes for appearance at theſe Aſſizes; then enter the new ones, and figure them.

Then muſt the Grand Jury nominate a Bailiff to attend them.

When the Charge is given, the Cryer muſt make a Proclamation, and ſay,

All Juſtices of Peace, Coroners, Stewards of Leets or Liberties, or others that have any Inquiſitions or Recognizances whereby they have let any perſon to Bail, put in the Records thereof forthwith, that my Lords the King's Juſtices may proceed thereon.

The Cryer maketh another Proclamation, and the Clerk of Aſſize ſhall direct him to ſay,

All manner of Perſons that are bound by Recognizances to proſecute and prefer any Bills of Indictments againſt any Priſoners in the Gaol of this County or others, let them come forth and proſecute, or elſe they ſhall forfeit their Recognizances.

Then ſhall the Parties, that are bound to proſecute by their Recognizances put in by the Juſtices of Peace be called, that they may give their Inſtructions to the Aſſociate of the Crown ſide, or his Clerk, to draw their Bills of Indictments againſt the Priſoners. Calling of Proſecutors.

When any Bill is engroſſed in Parchment, the Clerk of Aſsize, or one of his Aſſociates, ſhall cauſe the Proſecutor and the Witneſſes, who be bound to proſecute, and

The reſt of the Grand Jury by three at a time in order, are ſworn as followeth :

The ſame Oath which your Fore-man hath promiſed to obſerve and keep on his part, you and every one of you do promiſe to obſerve and keep on your parts ; ſo help you God.

When all the Grand be thus ſworn, then the Clerk of Aſſize doth ſay to the Cryer, Count theſe ; and as he names them, the Cryer ſhall count them, concluding after the laſt name, Good men and true, ſtand together and hear your Charge.

Then the Clerk of Aſſize ſhall direct the Cryer to make Proclamation, and ſay,

Charge giving.

My Lords the King's Juſtices, do ſtraitly charge and command all manner of perſons to keep ſilence whilſt the charge is in giving to the Grand Jury, upon pain of Impriſonment.

While the Charge is giving, the Clerk of Aſsize ſhall File the Recognizance to proſecute on one File and Figure them, and thoſe to anſwer upon another File and figure them, and the Informations and Examinations upon another File and figure them, then creſt a ſheet of Paper the long waies, and enter the Recognizance to proſecute on one ſide, and the Juſtices and Examinations on the other ſide, and Figure them that he may eaſily find them.

Then he ſhall enter the Gaol in a Gaol book at a good diſtance between each name, then enter the old Recognizances taken in Court

Court at the precedent Aſsizes for appearance at theſe Aſſizes; then enter the new ones, and figure them.

Then muſt the Grand Jury nominate a Bailiff to attend them.

When the Charge is given, the Cryer muſt make a Proclamation, and ſay,

All Juſtices of Peace, Coroners, Stewards of Leets or Liberties, or others that have any Inquiſitions or Recognizances whereby they have let any perſon to Bail, put in the Records thereof forthwith, that my Lords the King's Juſtices may proceed thereon.

The Cryer maketh another Proclamation, and the Clerk of Aſſize ſhall direct him to ſay,

All manner of Perſons that are bound by Recognizances to proſecute and prefer any Bills of Indictments againſt any Priſoners in the Gaol of this County or others, let them come forth and proſecute, or elſe they ſhall forfeit their Recognizances.

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When any Bill is engroſſed in Parchment, the Clerk of Aſsize, or one of his Aſſociates, ſhall cauſe the Proſecutor and the Witneſſes, who be bound to proſecute, and

whoſe names are written upon the back-ſide of the Bill, to lay their hands upon a Bible, and the Marſhall ſhall ſwear them after this manner:

The Evidence which you ſhall give to the Grand Inqueſt upon this Bill of Indictment againſt *A. B.* ſhall be the truth, the whole truth, and nothing but the truth; ſo help you God.

Which done, the Cryer ſhall write upon the back of the Bill *Jur. in Cur.*

Then the Clerk of Aſsize ſhall by his Bailiff, who is generally his own man, conſtantly attending there with a white Staff in his hand, ſend the Proſecutor and the Witneſſes with the Bill to the Grand Inqueſt, and deliver it to the Bailiff, who immediately carries it in to them, and the Proſecutor and the Witneſſes ſhall give their Evidence before them upon the ſame; and if upon the Evidence the Grand Jury have good cauſe to find the Bill, then they write on the backſide thereof *Billa vera*; but if they have no colour to find the ſame, then they write on the Bill *Ignoramus*.

All this, for the moſt part, is finiſhed the firſt day in the forenoon; and when the Court riſes, the Clerk of Aſsize directs the Cryer to make three Proclamations, and Adjourn in this manner:

All manner of perſons that have appeared here before my Lords the King's Juſtices at theſe Aſsizes and General Gaol Delivery may take their eaſe at preſent, and

and attend here again at two of the Clock in the afternoon, and then he saies, *God save the King.*

But note, If the Court of *Nisi prius* be sitting, then the Clerk of Assize shall direct the Adjournment thither.

When the Court is Adjourned the Trumpets shall sound, and the Sheriffs men two by two with their Holberds in their hands, and the Under-Sheriff following them with their White wands in their hands, shall attend the Judge in the Sheriffs Coach, where the Sheriff often rides with him from the Court to his Lodgings.

When the Court sitteth in the afternoon the Clerk of Assize shall cause the Cryer to make three Proclamations, and shall call the Court after this manner:

All manner of persons who were Adjourned over to this hour, and have any thing here to do before my Lords the King's Justice of Assize and General Gaol-Delivery, let them now draw near and give their attendance, and they shall be heard.

Then the Clerk of Ass. shall direct the Cryer to call the chief Constables in this manner,

All chief Constables of Hundreds within this County of *H.* draw near and give your attendance.

A. B. Gent. and *C. D.* Gent. chief Constables of the Hundred of *E.* in this County; and if they shall say that they are ready, then he shall tell them, that they must deliver

their preſentments to the Clerk of Aſſize, and then the Marſhal ſhall give them the Book and adminiſter this Oath when their right-hand is upon it.

You ſhall ſwear that ſuch of theſe Preſentments that are your own are true, and ſuch as you received from the hands of the Petty Conſtables are as you received them, without alteration or diminution, and that you have not omitted preſenting any one within your Hundred, that according to your knowledge is preſentable for favour or affection; ſo help you God.

When all of them are ſworn, and the Clerk of Aſſize hath wrote upon each of the Bills as they are ſworn *Jurat. in Cur.* then they muſt carry them to the Grand Jury, who muſt open and examine them, and if they find that the petty Conſtables have not preſented all ſuch perſons as were preſentable within their ſeveral Pariſhes, then the Grand Jury ought to preſent them for that default; and if any of the chief Conſtables ſhall offend in the ſame nature, they ought alſo to preſent them.

Note, If *A. B.* was preſented at the laſt Aſſize for abſence from Church for a Month, and it is notoriouſly known by the Conſtable, that he continues to abſent himſelf till this preſent Aſſize, by reaſon of his contrary opinion, and perverſe obſtinacy to the Laws of this Land in that caſe made and provided, if the Petty Conſtable do not preſent him again at this preſent Aſſize, then the

the chief Conſtable, if he knowes that *A B.* abſents ſtill from Church, he ſhall preſent him and the petty Conſtable alſo; and if they nor either of them do it, then the Grand Jury ought to preſent them both for the neglect of their Offices, if they of their own knowledges know that *A. B.* doth abſent himſelf from Church, otherwiſe they ought to preſent him or them.

Theſe Abſenters may be preſented every Seſſion, and every Aſſize for this offence, and though it is but the ſame ſort of fault; yet is ſo often repeated, that for ſuch Commiſſion of it the Law takes notice of it to be an obſtinate wilful crime, and puniſhes it according as by Law it is requiſite.

If *A. B.* hath not conform'd ſince the laſt Aſſize, the Clerk of Aſſize may demand of the chief Conſtable to preſent him or give the Court a reaſon for it, which muſt be ſubmitted to the Judgment thereof.

Then the Court ſhall ſend for the Grand Jury, and when they appear, the Clerk of Aſſize ſhall call them by their names, and demand of them if they be agreed of any Bills; if they ſay yea, the Clerk of the Aſſize ſhall bid them preſent them to the Court, and upon the delivery of them, he ſhall ſay,

Theſe be your preſentments and you are content the Court ſhall amend form, and falſe Latin, altering no matter of ſubſtance?

Then the grand Jury ſhall ſay, Yea, and ſo they ſhall go together again, the Clerk of Aſſizes out of reſpect to them, bidding the Bailiffs make way for the Gentlemen of the Grand Inqueſt.

Filing the Bills. Then doth the Clerk of the Aſſize, to prevent miſtakes, croſs all thoſe Bills that the Grand Jury have marked *Ignoramus* with his Pen, and file them firſt, then doth he file up the Bills which are found true upon the file with the Calendar and Precept for ſummoning of the Aſſize formerly returned by the Sheriff, and that being orderly done, and the Jailor having brought his Priſoners to the Hall,

The Cryer maketh Proclamation, and ſhall ſay,

My Lords the King's Juſtices ſtraitly charge and command all perſons to keep ſilence, for now they will proceed to the Pleas of the Crown and the arraignment of Priſoners upon life and death; and all perſons that are bound by Recognizances to give evidence againſt any of the Priſoners, that ſhall be at the Bar, draw near and give your evidence upon pain of forfeiting your Recognizances.

Then doth the Clerk of the Aſſize begin with his firſt Indictment upon the file in order, and biddeth the Jailor ſet the Priſoner named in that Indictment to the Bar; If he be let to Bail, and not in the Gaol, then the Clerk of Aſſize ſhall cauſe the Cryer to call him on this manner:

A. B.

A. B. of the parish of *D.* Labourer, come forth, save thee and thy Bail, or else thou forfeitest thy Recognizance. Calling of Bails.

If he appear not, then call the Sureties on this manner,

J. W. and *T. S.* with their additions as they are written, bring forth *A. B.* whom you undertook to have here this day, or else you forfeit your Recognizance.

If he appears not, then the Clerk of Assize passeth by that Indictment, and calleth to the Gaoler to set forth the Prisoner named in the next Indictment, and when he is at the Bar, the Clerk of the Assizes saith unto him as followeth,

A.B. *Hold up thy Hand*; which done, he then shall say,

Thou standest here Indicted by the name of *J. S.* of *&c.* for that thou, *&c.* and so read all the Indictment in *English*, and then ask him, What sayest thou? Art thou guilty of this Murder, or what it is for, whereof thou stand'st Indicted, or not guilty? if he saith not guilty, the Clerk of Assize shall say *Culpreſt* (in common pronunciation *Culprit*) and then shall ask him, How wilt thou be tryed? If he say by God and the Country, Then shall the Clerk of Assize say, God send thee a good deliverance, and shall write over his head in the Indictment *Po. Se.* Then the Clerk of Assize shall proceed to the next until so many are arraigned as will serve for a petty Jury to pass upon at once,

Confeſſion.

If any Priſoner upon his Arraignment ſhall confeſs his Fact, then the Clerk of Aſſize ſhall write over his head in the Indictment (Cogn.) *and ſo is he ſet by till the time of giving Judgment.*

And then the Clerk of Aſsize or his Aſſociate, files that Indictment next to thoſe upon which the Grand-Inqueſt have found *Ignoramus*, that there may be no miſtake.

Pult. de pace Regis, 211.

If any Priſoner upon his Arraignment will not confeſs the Felony whereof he ſtands indicted, nor will plead not guilty thereunto but ſtand mute of malice and evil will; or otherwiſe will plead ſuch matter as ſhall be no anſwer to the Felony, or ſuch a perverſe plea which ſhall be no direct anſwer to the offence, yet he will ſo conclude his plea, that the ſame plea can have no Tryal, in all theſe Caſes, he ſhall be put to his pennance for contemning the Law, and refuſing the ordinary Tryal deviſed by the Law, and the Clerk ſhall write over his head in the Indictment *Stat. Mutus*, and he muſt be ſet by till Judgment be given, unleſs he will plead in the mean while, and put himſelf upon his Country.

Co. 2. Inſt. 177.

Note, The Stat. of *Weſtm.* 1. ca. 12. extends not to Treaſons nor Petit Larcenys, but it extends to all women guilty of all other Felonies upon Indictments not Appeals.

Then the Sheriff ſhall return ſome Freeholders of the ſame County that are preſent in Court, or if the Judge pleaſe he may ſend

to

to the other Judge on the *Niſi prius* ſide for a Jury of thoſe that were ſummoned for that ſervice to try the Priſoners, which is often done in things of a high nature, that there may be no tampering with a Jury.

When ſo many Priſoners are Arraigned as may conveniently be tryed by a petty Jury, then muſt the Clerk of Aſsize call to the Sheriff, for to return a Jury to try the Priſoners, and then know of the Judge how many he will have tryed by that Jury.

Calling of the Jury of Life and Death.

Then muſt the Cryer by the Clerk of Aſſizes his direction call the Jury thus, You good men that be returned to enquire between our Soveraign Lord the King, and the Priſoners at the Bar, anſwer to your names every man at the firſt call, upon pain and peril that ſhall fall thereon, and then he ſhall calls every one of them in order by his name.

When the Jury hath appeared, then muſt the Clerk of the Aſsize call the Priſoners to the Bar that ſhall be tryed by the Jury, every man by his name, and then ſay unto them, You the Priſoners at the Bar, hear what is ſaid unto you.

Challeng allowed to the Priſoners.

Theſe good men that were laſt called, and do now appear, are thoſe that ſhall paſs between our Soveraign Lord the King and you upon your Lives and Deaths, if therefore you or any of you will challenge them, or any of them; you may challenge them as they come to the Book to be

be ſworn, before they be ſworn, and you ſhall be heard.

Stat. 1 & 2 P. & M. 20. If the ſhall Priſoner be Arraigned for High Treaſon, he may challenge peremptorily in favour of his Life thirty five without ſhewing cauſe; but no perſon Arraigned for Petit Treaſon, Murder, or Felony, may challenge peremptorily above the number of twenty; but if he ſhall challenge above twenty, and under thirty ſix he ſhall not forfeit his Goods and Chattels, for no Law giveth forfeiture for challenging above twenty, for he is not convicted by the challenging above twenty, as he was by the Common Law by the challenging of three Juries, for the Act of 22 *H.*8.*c.*14. extendeth not to any conviction but challenge only, and the Court ought to over-rule the challenge. If a man ſhall be out-lawed for Treaſon or Felony, and ſhall be brought to the Bar, and there ſhall plead miſ-naming, or ſome other plea in avoidance of the Out-lawry, he ſhall not have his peremptory challenge, for that neither Treaſon nor Felony ſhall be tryed by this iſſue, becauſe they were ended by the Out-lawry. If two, three, four, or more perſons be indicted or appealed and Arraigned of one offence, and one Inqueſt is charged to try them all, if one of thoſe perſons Arraigned ſhall challenge peremptorily any of thoſe Jurors, he ſhall be drawn and put out for them, although ſome other deſire he ſhould be ſworn, for though they be all Arraigned together, yet in the judgment of

Stat. 22. H.8.*ca.*14.

Co. 3. Inſt. 282.

the Law they be ſeveral Arraignments for that their Offences be ſeveral, though they be Indicted for one offence; therefore every of the Priſoners ſhall have his challenge, ſo that he ſhall not peremptorily challenge above the number of twenty perſons; but the Court may divide the pannel, and alſo the Tales, and make them ſeveral for every of the Priſoners, and then every Priſoners challenge ſhall be by it ſelf, and avail him only that maketh it.

Challenge upon cauſe, as if the Priſoner ſaies this man ought not to be of his Jury, for that he Indicted him. Stat. 25 *Ed. ca.* 3.

If an Alien be Arraigned for Felony and plead, and all the Inqueſt be returned of *Engliſh*-men, this is a cauſe of Challenge, for that in all Inqueſts to be taken amongſt Aliens and Denizens, half of the Inqueſt ſhall be Denizens, and the other half Aliens; But if perſons called *Egyptians* be Arraigned for Felony for continuance above a Month in this Realm, they ſhall be tryed by the Country, and not *per medietatem linguæ*. If an Alien be Indicted of High Treaſon, he ſhall not have his tryal *per medietatem linguæ*, but according to the courſe of the Common Law. And if a *Scot* be Indicted of Felony, he ſhall not have his Tryal *per medietatem linguæ*, for that a *Scot* was never accounted an Alien but rather a Subject. Stat. 28 *Ed.* 3. Stat. 1 & 2 *P.* & *M. ca.* 4.

No Denizen ſhall be admitted to paſs upon the Trial of the Death of a man if he hath not Lands or Tenements of the yearly Stat. 2 *H.* 5. Stat. 2. c. 3.

ly value of forty ſhillings above all charges.

Where the King is party, his proſecutor cannot challenge without ſhewing good cauſe, but need not ſhew his cauſe till he has purſued the whole pannel, but he that is Arraigned muſt ſhew the cauſe upon his challenge which muſt be preſently tryed. It is a good challenge upon cauſe to ſay that one of the Jurors is an Alien or a Villain or an Out-law, for then he is not *Liber & legalis Homo.*

21 H.6.30. 14H.4.19. Pulton *de pace Regis*, 194. b.

Then the Clerk of Aſſize ſhall direct the Cryer to make Proclamation, and ſay,

If any man can inform my Lords the King's Juſtices, the King's Serjeant, or the King's Attorney, or this Inqueſt now to be taken between our Soveraign Lord the King, and the Priſoners at the Bar of any Treaſon, Murder, Felony, or other Miſdemeanor committed or done by the Priſoners at the Bar, or any of them, let them come forth and they ſhall be heard, for the Priſoners ſtand at the Bar upon their deliverance; and all others that are bound by Recognizances to give any evidence againſt any of the Priſoners that are at the Bar, let them come forth and give the Evidence, or elſe they forfeit their Recognizance.

Information for the King againſt the Priſoners.

Then muſt the Clerk of Aſſize call the Jury to be ſworn every man ſeverally, and the Marſhal muſt bid every one look upon the Priſoners, and ſwear every of them ſeverally on this manner,

Note, that every Juror muſt lay his hand on the Book and look towards the Priſoners.

You

You ſhall well and truly try, and true deliverance make between our Soveraign Lord the King, and the Priſoners at the Bar, whom you ſhall have in charge, and a true Verdict ſhall give according to your Evidence; ſo help you God.

Oath of the Jury of Life and death.

When they are all ſworn, the Clerk of Aſſize muſt cauſe the Cryer to count them as he reads their Names, ſaying, Cryer, count theſe; and that done, he muſt ask them whether they be all ſworn, or not; if they ſay yea,

Counting of the Jury.

Then they muſt divide themſelves at the Bar, ſome on one ſide, ſome on the other.

Then the Clerk of the Aſſizes muſt call the Priſoner named in the firſt Indictment to be tryed upon the File, as he hath pleaded, to the Bar, and bid him hold up his hand, and then ſay to the Jury.

Look upon the Priſoner, you that be ſworn, and hearken to his cauſe.

You ſhall underſtand that he ſtands Indicted by the name of, *&c.* as in the Indictment, for that he, *&c.* and read the Indictment as he did upon the Arraignment, and that done, the Clerk of the Aſſizes ſhall immediately ſay, upon this Indictment he hath been Arraigned, upon his Arraignment, he hath pleaded not guilty, and for his Tryal hath put himſelf upon God and the Country, which Country are you, ſo that your charge

Charge of the Jury of life and death.

charge is to enquire whether he be guilty of this Felony whereof he ſtands indicted, or not guilty, if you find him guilty, you ſhall enquire what Lands, Tenements, Goods, and Chattels he had at the time of the Felony committed, or at any time ſithence: if you find him not guilty, then ſhall you enquire if he did flie for it or not; if you find that he did flie for it, then you ſhall enquire what Goods or Chattels he had at the time when he did ſo flie for it, or at any time ſithence; if you find him not guilty, nor that he did flie for it, you ſhall ſay ſo and no more, and hear your Evidence.

Calling of Witneſſes.

Then muſt the Clerk of Aſſize direct the Cryer to call the Witneſſes as they be ſubſcribed to the Indictment.

When that is done, and the Witneſſes for the King do appear, the Clerk of the Aſſize cauſeth them to lay their right hands upon the Book and the Marſhal ſhall give them this Oath:

The Evidence that you, and every of you, ſhall give to this Inqueſt againſt J. S. *Priſoner at the Bar, ſhall be the truth, the whole truth, and nothing but the truth, ſo help you God.*

When all the Witneſſes for the King have been heard, then if the Priſoner deſires that any Witneſſes ſhould be heard for him, they muſt be called alſo, but they ſhall ſpeak without Oath, unleſs the Fact be under

der Felony, or that ſome Statute direct the ſame;

Note, Whilſt the firſt Priſoner is upon his Tryal, the Aſſociate muſt take care that the Sheriff ingroſs the names of the Jury upon a long piece of Parchment, and ſubſcribe his High Sheriffs name; which done, the Aſſociate muſt fairly write at a good diſtance, the names of all the Priſoners that Jury is charged with, and their offences, and mark them *Po. Se.*

At the ſame time he muſt prepare a fair Note of the Priſoners Names, and their Offences, at a good diſtance one from the other, and preſent it to the Judge.

Then the Clerk of Aſſiz ſhall proceed to the next Priſoner, as the Indictments are filed in order, with this difference only.

When the Clerk of Aſſize hath read over the Indictment as before, he ſhall only ſay as ſolloweth, *viz.*

Upon this Indictment he hath been Arraigned, upon his Arraignment he hath pleaded not guilty, and for his Tryal he hath put himſelf upon God and his Country, which Country you are, ſo that your charge is to enquire whether he be guilty of this Felony whereof he ſtands indicted, or not guilty, and further to enquire of him as you had in charge to enquire of the firſt Priſoner, and hear your Evidence.

And then call the Witneſſes as they are ſubſcribed

ſcribed to that Indictment, and ſwears them as aforeſaid.

When that Priſoner hath done, then they proceed to the next, and ſo one after another, till they be all tryed that the Jury was charged with.

Reading of Examination.

In the mean time as the Priſoners are upon their ſeveral Tryals, the Clerk of Aſſize looketh out every Examination of every Priſoner as his cauſe is in hearing, and if it be Evidence for the King, he readeth it to the Jury; and likewiſe the Information, if the Evidence for the King falter in his Teſtimony to refreſh his memory.

Bill of Cauſes.

Alſo he maketh ready a Note of the Juries names, and ſubſcribeth the Priſoners names; and their offences as they ſtand charged withal, underneath the ſame, and when the Jury is ready to go from the Bar, he delivereth it unto them for their better direction and help of their memory to know who they have in charge.

After the Jury have heard their Evidence, the Clerk of Aſſize ſhall ſwear a Bailiff in this manner,

You ſhall well and truly keep every perſon ſworn of this Jury together in ſome private and convenient Room without Meat, Drink, Fire, Candle, or Lodging; and you ſhall not ſuffer any perſon whatſoever to ſpeak to them, or any of them; neither ſhall you your ſelf ſpeak to them until ſuch time as they be agreed of their Verdict, unleſs it be to ask them whether they be agreed of their Verdict; ſo help you God.

Then

Then the Bailiff ſhall attend them to ſome convenient place where they may conſult of their Verdict, and ſhall continue without the door till they be all agreed.

When the Jury is gone from the Bar, if there be not Indictments enough found to charge another Jury, the Court ſhall ſend to the Grand Jury to bring in ſome more Bills if they are ready. Sending for the Grand Jury.

Then the Court taketh the appearance of them, as aforeſaid, and proceedeth to the Arraignment of Priſoners and Tryals of them, as before is expreſſed untill all be done.

When the Jury of Life and Death are agreed, and come to the Court to give their Verdict. The Clerk of Aſſize muſt firſt call them by their ſeveral names, and ask them if they be all agreed of their Verdict, and who ſhall ſay for them, and call the firſt Priſoner to the Bar, and bid him hold up his hand. Taking of the verdict of the Jury of Life and Death.

Then ſay to the Jury, *Look upon the Priſoner you that be Sworn, what ſay you, Is he guilty of the Felony whereof he ſtands Indicted, or not guilty?*

If they ſay, Guilty,

Then the Aſſociate muſt write over the Names of the Priſoners, after the words *Po. Se. Cul.* And if the Offence be without Clergy, then he muſt mark Suſ. for *ſuſpenſ.* &c.

Then the Aſſociate muſt ask the Jury what Lands or Tenements, Goods or Chattels he had at the time of the Felony committed, or at any time ſince.

If the Jury find any; then the Goods muſt be Recorded; but their common Anſwer is, *None to our knowledge.*

Then the Clerk of Aſſize ſaith, *Look to him, Gaoler.*

If the Jury ſay, Not Guilty.

Then the Clerk of the Aſſize muſt ſay to the Priſoner,

Down upon your knees, and ſay, God ſave the King and this Honourable Bench.

Then the Aſſociate muſt write over the Name of the Priſoner after the words *Po. Se. Non Cul.*

Then the Aſſociate muſt ask the Jury, if he did fly for it or not; and if they find that he did fly for it,

Then the Aſſociate muſt write over the Name of the Priſoner after the words *Po. ſe. Non Cul. Retraxit.*

But commmonly the Jury do anſwer, *Not to our knowledge.*

Then the Aſſociate muſt ſay to the Jury, *Gentlemen, Hearken to your Verdicts, as the Court hath recorded them;* and then he repeateth them in this manner,

You ſay A. B. *is guilty of the Felony whereof he ſtands Indicted.*

That C. D. *is not Guilty*, &c.

And

And when the Aſſociate hath repeated all their Verdicts, then he ſhall ſay, And them whom you have found Guilty had no Goods, Chattels, Lands, or Tenements to your knowledge; and them whom you have found not Guilty did not flie for it to your knowledge; and ſo you ſay all.

Tryal of Riots and Treſpaſſes.

Memorand. That all Indictments upon Riots, Treſpaſſes, and other miſdemeanours under the degree of Felony, the parties whereunto are either in Priſon, or bound to appear by Recognizance; upon their appearance, they muſt be tryed after the Felons.

And thoſe that are found Guilty, the Judge impoſeth a Fine upon them, and other puniſhment as he findeth the nature of the offence.

But the Tryal of theſe Offences are omitted in this place, for that they be ſet down at large in the following Treatiſe, called the Clerk of the Peace, becauſe that theſe be Offences of lower degree, therefore more proper for that Court.

After all the Indictments preferred to the Grand Jury be returned into the Court, or before, if leiſure permit, the Clerk of the Gaol calleth over all his Bails that are not formerly called upon their Arraignments there being no Bills preferred againſt them, and upon their appearance, he acquainteth the Judge who committed them, and the reaſon thereof, as it is expreſſed in the Recognizance, and that no man cometh againſt

them; and likewiſe he peruſeth the Goal Priſoners, and Bail Priſoners, againſt whom the Bills of Indictment are returned *Ignoramus*, and againſt whom there are no Indictments preferred, and informeth the Judge of their caſes; and if no man cometh againſt them during the Aſſizes, they are delivered by Proclamation as followeth,

Proclamation.

If any man can inform my Lords the King's Juſtices, the King's Serjeant, or the King's Attorney, of any Treaſon, Murder, Felony, or any other miſdemeanor committed or done by *A B. &c.* and name them all in order, or any of them now Priſoners at the Bar, let him come forth, and he ſhall be heard, for the Priſoners ſtand upon their deliverance.

Form of keeping the Gaol Book.

Note, that the Clerk that keepeth the Gaol Book, in the beginning of the Aſſizes, ſetteth down in the Book, firſt a note of the day when the Aſſizes is holden, and the Judge's name and Sheriff's name in a ſhort compendious manner uſed for that purpoſe, *ut patet in libro.*

Next unto that he ſetteth down the Priſoners names as they are returned by the Sheriff in the Calendar, beginning with the reprieves formerly left in the Gaol, and then the reſt in order, leaving a reaſonable diſtance betwixt every name, and ſo alſo of all Bails, for which he hath Recognizance returned in by the Juſtices.

And when any Indictment is found againſt any Priſoner, and he be Arraigned thereupon he

he ſetteth down briefly his offence, at the end of his name, as *A. B.* for a Grey Mare, price 3 *l.* of the Goods of *C. D.* or the like; and if the Priſoner put himſelf upon the Country, then he writeth over his name, (*Po. Se.*) And if he will not be tryed by the Country, then he writeth over his name, *Stat Mutus*, and if the Priſoner continue obſtinate, and will not be tryed, then he addeth thereto (*Paine fort & Dur.*) And if the Priſoner confeſs the fact upon his Arraignment, then he writeth over his name (*Cogn.*) And when a Priſoner is tryed and found guilty, and had no Goods, he addeth unto the former words, *Po. ſe. cul. nul. bona* And if the Priſoner be found not Guilty, nor that he did flie, then he addeth to the former words, *Po. ſe. non cul. nec fugit* But if the Priſoner be found not Guilty, and that he did flie, then he addeth to the former words *Po. ſe. non cul. ſed fugit* And if the Priſoner be found Guilty of petty Larceny, then he writeth to the former words (*Po. ſe. cul. de. pet. Larc. val. x d. flag & del.*) And if the Priſoner be found Guilty of a Felony, wherein he may have benefit of Clergy, and the Priſoner demand the ſame and can read, then he addeth to the former words *Po. ſe. cul. nul. bona, pe. li. cre*, and if to be diſcharged, *& del.* And if the Priſoner cannot read when his Book is allowed him, then he addeth to the words, *Pe. li. ſed non legit Jo'. ſuſ.* but if the offence whereof the Priſoner is found Guilty, be

ſuch as the benefit of Clergy cannot be allowed by Law, then he writeth unto the former words, *Po. ſe. cul. nul. bona, ſuſ.* And againſt ſuch Priſoners as *Ignoramus* is found upon the Bill preferred againſt them, he writeth in the Margent before their names ſerverally (*Ign.*) And the offence ſeverally after their names (as for a Gelding) and the like, and over his head (*Del.*) and over the names of ſuch Priſoners as there are nothing againſt, he writeth (*Del.*) and over ſuch names as do not appear upon their Recognizance, being called, he writeth (*defalt.*) And after ſuch names as are to be ſent to the houſe of Correction) or *v. Dom. Correctionis*; for the better explanation hereof, I have written this ſmall form underneath,

Po. ſe. cul nulla catalla. ſus.
Thomas Martin for a Horſe, *&c.*

Po. ſe. non cul. nec fugit.
Ricus Frinus for a Cow.

Po. ſe. cul. bona, &c. ad val 1d. &c.
Jches Doo for a Mare,

Md. *Po. ſe. cul. nul. bona pe. li. le. cre.*
Ricus Roo for Heifers and Sheep.

Po. ſe. cul. nul. bona flag. & del.
Thomas Denn for Linnens the value of ten pence.

Po.

Po.ſe. non cul, nec. fugit 3 *Mid.*
Willus Fenn for ſix Oxen, two Weathers, for a Hog. *Ign.*
Adamus Pye for Burglary
Note, that where he beginneth to enter his Bails, he writeth (*B*) in the Margent.
Franciſcus Mye.
Stat. mut. pain. fort. & dur.
Johnes Trimtram for murder.
Po. ſe. cul. catal nul. *Mid*
Nicus Skillington for eight Ewes. *Ss. md.*

Some other forms there be, which as they ariſe are ſet down after the nature of the offences: The Goal Book is ful of examples, and therefore I omit them here.

If any Felon do rob or take away any mony, goods, or chattels, from any of the King's Subjects, and be thereof indicted, arraigned of the ſame Felony, and found guilty thereof, or otherwiſe attainted, by reaſon of evidence given by the party robbed, or owner of the mony, goods or chattels; or by any other, by their procurement; then the party ſo robbed, or owner, ſhall be reſtored to his mony, goods and chattels; and to that purpoſe the Clerk of Aſſize ſhall iſſue forth a Writ of Reſtitution. Stat. 21 H. 8. c. 11.

But now it is the more uſual way to have an Order from the Judge, which is entred in the Clerk of Aſſize his book for that purpoſe; upon which the goods are generally reſtored.

Alſo all Orders made by the Court for continuance of any man in priſon, or ſending any to the houſe of Correction, all Fines ſet upon any priſoner for Treſpaſs, all Defaults upon Recognizances to anſwer, all Orders for Attachments, and other Warrants, and all ſubmiſſions of Recuſants, are uſually recorded in the Gaol Book; and alſo Writs of good behaviour.

Calendar Note alſo, that he that keepeth the Gaol Book, having made preſect his Calendar, as the Verdicts are given, he doth draw out into a ſheet of paper, in the firſt place, the names of ſuch as are to ſuffer death under one Title, the names of ſuch as are to have the benefit of Clergy under another Title, ſuch as are guilty of petty Larceny under another Title, ſuch as are found not guilty under another Title, and ſuch as are to be delivered by proclamation, againſt whom there is nothing in Court, under the laſt Title; and after each name denote the Offences. And under the firſt Title ſuch as ſtand mute, if any be, by themſelves

That Calendar being made perfect and delivered to the Judge, and he ready to give Judgment, the Clerk of Aſſize cauſeth the Gaoler to ſet all the Priſoners found guilty above petty Larceny to the Bar, and ſaith unto them thus,

The form of calling the Priſoners to judgment. You may remember that before this you have been ſeverally indicted for ſerveral Felonies, and ſome of you for Murders, by you done and committed; upon your Indictment

dictments, you have been arraigned; and have ſeverally pleaded not guilty; and for your Tryals you have ſeverally put your ſelves upon God and the Country, which Country hath found you guilty; what can you now ſay for your ſelves, why, according to the Verdict paſſed againſt you, you ſhould not have judgment to ſuffer death; and then ask them by name ſeverally,

What ſayeſt thou A. B. *&c.*

Then if he prays his Clergy, and may have it by Law, the Ordinary muſt be called to ſhew him the Book, and when he hath ſhewed it to him, the Clerk of Aſſize muſt ſay, *legit ut Clericus, vel non.* *Clergy.*

If the Ordinary ſay *legit*, then the form of the Entry muſt be, *Et tradito ei libro legit ut Clericus*, and then muſt the priſoner be burned in the hand: but if the Ordinary ſaith *non legit ut Cleric'* the priſoner muſt be executed

The Benefit of Clergy ſhall be allowed but once. A convict perſon ſhall be marked openly before the Judge upon the brawn of his left Thumb with an *M* for Murder, and with a *T* for another Felony. Stat. 4 H. 7. 13.

An Offender admitted to his Clergy, after burning in the hand, ſhall not be delivered to the Ordinary as hath been uſed; but ſhall thereupon be enlarged, by the Juſtices, before whom the Clergy ſhall be granted, or by hem deteined longer in priſon, at their diſcretion, ſo it be not for longer time than a yeare. Stat. 18. E. 7.

No perſon convicted of High Treaſon, Petit

What perſons ſhall not have Clergy.

Stat. 2 & 3 *Ed.* 6. 33. 5 & 6 *Ed.* 6 9. 4 *P & M.* 8 *Eliz.* 4. 4 18 *Eliz.* 7. 39 *Eliz.* 9. 39 *Eliz.* 14

tit Treaſon, Murder, Poyſoning, Stabbing another having no weapon drawn, or ſtriking firſt and dying thereof within ſixmonths, Sacriledge, Buggery, Rape, Burglary, Robery, taking any thing privily and felonioufly form the perſon of another, taking away a Woman againſt her will having Lands or Goods, or being Heir apparent to her Anceſtor, contrary to St. 3 H. 7. 2. Felonioufly taking away any thing in the day time to the value of 5*s.* out of any dwelling houſe or out-houſe, tho no perſon be within or near the ſame, Nor no perſon, who upon his arraignment for High Treaſon, Petit Treaſon, Murder Stabbing, Poyſoning, Sacriledge, Burglary, Robery, Horſ-ſtealing, burning of Houſes, or taking away a Woman who is Heir apparent to her Anceſtor, ſhall ſtand mute, anſwer not directly, or challengeth above twenty, Nor the Acceſſories before the fact to Petit Treaſon; Murder, Poyſoning, Burglary Robery, or Houſe burning, or Acceſſory to him that takes away an Heir apparent, ſhall have the benefit of Clergy.

Pul de Pace Re. 204.

No Perſon convicted for forging Writings, *St.* 5 *El.* 14 being 14 years of age, and calling himſelf an Ægyptian, or keeping company with them, or counterfeiting or diſguiſing himſelf by his apparel, ſpeech, or other behaviour, like to Vagabonds, and ſo continues at one or ſeveral times by a month; or for wittingly receiving or releiving any Jeſuits or Seminary Prieſts, knowing him to be a Jeſuit: *Stat.* 27 *Eliz.* or for uſing any Invo-

Invocation or Conjuration of any wicked Spirit, or ſhall uſe any Witchcraft, Inchantment, Sorcery, whereby any perſon ſhall be killed or lamed in his body, or ſhall take upon them by Witchraft, Inchantment, Charm, or Sorcery to find out hidden treaſures, loſt goods, or to provoke unlawful love; for the ſeccond Offence ſhall not have Clergy. Note for Felony under 10s. where the man may have his Clergy, the woman ſhall be burned in the hand with an hot Iron Stat *Ja.* 21 Ja. 6.

If a man attainted of Felony be brought to the Bar, and asked what cauſe he can ſhew why he ſhould not ſuffer death accordnig to his Judgment, and he will ſtand mute, he ſhall be hanged and not put to his Pennance; for he cannot put himſelf upon an Inqueſt of Felony, becauſe he was attainted thereof before

If a man upon his arraignment confeſs the Felony, and before Judgment at another day he will ſtand mute by fraud, and ſo it is found, he ſhall be hanged and not put to his Pennance, for his Judgment ſhall be given upon his confeſſion; ſo if he demurs in Law upon any point which is adjudged againſt him, he ſhall be hanged; for in both thoſe caſes he is out of the purview of the *Stat. Weſtm.* 1. 14 *E.* 4. 7.

In like ſort if a Felon be indicted and arraigned for Murder within the Kings Palace, or where he doth abide, according to the *St.* 33 H 8. *c.* 12. and ſhall ſtand mute, or ſhall anſwer indirectly, he ſhall be hanged, and not put to his Pennance.

In

Pult. *de pa. et Reg.* 212. In all caſes where a man upon his arraignment ſhall ſtand mute, before he ſhall be hanged, put to his Pennance, or otherwiſe ſuffer death, it ſhall be enquired if he do ſtand mute by fraud, or by the Act of God: for if it be by the Act of God, the Court *ex officio*, ought to enquire if he be the ſame perſon, and of all other pleas that he might have pleaded, if he had not been mute, to have ſtayed Execution. And this Enquiry is but of office, and ſhall be made by the Marſhals ſervants and others; but where an Iſſue is joyned by the conſent of the parties, and after, when the Enqueſt doth come, the Priſoner ſhall ſtand mute, there the Court ſhall charge the Inqueſt which appeareth therein, without putting any of the Marſhals ſervants unto them; and ſo change that which was a Jury, by the conſent of the parties, to an Enqueſt of office; and their charge ſhall be to enquire of the time when he did ſpeak; and if he be mute of malice, or in delay of his Execution, or by the Act of God. But this Charge or Inquiry ought not to be made or given where the priſoner did ſpeak to the Court when he was at the Bar, and after the ſame day, becauſe he would not joyn Iſſue, or challenge peremptorily above the number appointed to him by the Law, be adjudged to his pennance: For then it does appear to the Court that he doth it of malice. So if a Priſoner after his confeſſion or attainder, hath continually remained in Priſon, and is brought before

Co. 2 Inſt 178.

43 Aſſ. Pl. 30.

M 8. H. 4. 1

10 E. 4. 19

before the ſame Juſtices, before whom he did confeſs his Felony, or was attainted, to anſwer why Execution ſhould not be done of him, and he will ſtand mute, there needeth no Inquiry to be made if he be the ſame perſon or not, for that doth appear to the Juſtices, by his continual remaining in priſon: but it is otherwiſe if he go at liberty after his attainder, by abjuration, outlawry, and ſuch like.

If the Priſoner in truth cannot ſpeak, and yet be not mute by the Act of God; as if he has cut out his own tongue, and thereby become mute, he ſhall be forthwith put to his pennance.

If a Woman be indicted and arraigned of Felony, it is no plea for her to ſay ſhe is with Child; but ſhe muſt plead to the Felony not guilty, and if ſhe be found guilty, then ſhe may alledge that ſhe is with Child; and then the Clerk of Aſſize ſhall command the Sheriff to retorn an Enqueſt of 12 Women before the Juſtices; and when the Sheriff hath retorned them, the Clerk of Aſſize ſhall call over their names, and when they all appear, he ſhall ſwear them ſeverally after this manner.

You as Forematron of this Jury ſhall ſwear that you ſhall ſearch and try the Priſoner at the Bar, whether ſhe be quick with Child of a quick Child, and thereof a true Verdict ſhall return according to the beſt of your judgment; ſo help you God.

The

Then the Aſsociate ſhall give to the reſt of them every one by her ſelf this Oath

The ſame Oath your Forematron hath taken on her part, you ſhall alſo take and obſerve on your part; ſo help you God.

When they be all ſworn, one of the Bailiffs ſhall convey the Jury and the Priſoner to a chamber, where they ſhall ſearch and try whether ſhe be quick with Child of a quick Child, or not; and when they be all agreed of their Verdict, and be retorned to the Court, the Clerk of Aſſize ſhall call them ſeveally by their names; and aſk them whether they be all agreed of their Verdict, and who ſhall ſpeak for them.

Then the Forematron anſwers, that ſhe is quick with Child of a quick Child, or that ſhe is not quick with Child.

And if the Jury of Women ſhall find that the Priſoner is quick with Child of a quick Child, then Execution of her ſhall be ſtayed untill ſhe ſhall be delivered; but if they ſhall find that ſhe be not quick with Child of a quick Child, ſhe ſhall be hanged preſently; for it will not availe her to be young with Child. And yet whether ſhe be with Child or not, Judgment ſhall not be delayed, but ſhall be preſently given againſt her, that ſhe ſhall be hanged, only the Execution of the Judgment ſhall be ſtayed untill the next Aſſizes.

If

If after ſhe is reprieved and delivered of her Child, and before the next Gaol delivery, ſhe ſhall be with Child again, though ſhe be quick with Child, Execution ſhall not be ſtayed, but ſhe ſhall be put to Execution preſently: but the truth of the matter being enquired of, and found; the Sheriff or Gaoler which had the cuſtody of her, ſhall be fined for keeping her ſo ſlackly, that ſhe had the company of a man.

Then the Clerk of Aſſize ſhall direct the Gaoler to ſet only thoſe Priſoners to the Bar who are to dye; and when that is done he ſhall cauſe the Cryer to make Proclamation, and ſay,

My Lords the Kings Juſtices do ſtraitly charge and command all manner of perſons to keep ſilence, while they proceed to give Judgment againſt the Priſoners at the Bar.

Then the Judge after an Exhortation made to the Priſoners that are to ſuffer death, ſhall give Judgment.

The Judgment of *Pain fort & dure.*

That the Man or Woman ſhall return to the place from whence he or ſhe came, and there ſhall be laid in ſome low and dark room, where he or ſhe ſhall lie naked on the bare earth, without any litter, ruſhes or other cloathing, and without any garment about him or her, but ſomething to cover his or her privy parts; Co. 2 Inſt 178.

parts, and that he or ſhe ſhall lie upon his or her back, their heads and their feet uncovered, and one arme ſhall be drawn to one quarter of the Houſe with a cord, and the other arme to another quarter, and in the ſame manner ſhall be done with his or her legs; and there ſhall be laid upon his or her body Iron and Stone So much as he. or ſhe may bear, and more; and the next day following he or ſhe ſhall have three morſels of Barly Bread without any Drink, and the ſecond day he or ſhe ſhall drink thrice of the water that is next to the houſe of the Priſon (execept running water) without any bread; and this ſhall be his or her dyet until or ſhe ſhall be dead.

But in an Appeal, Judgment of Pennance ſhall not be given, but Iudgment that the Offender ſhall be hanged

And in caſe of High Treaſon, whether it be by Indictment, or by any other means whatſover, the Offender ſhall not have the Judgment of Pennance, but ſuch Judgment as a Traytor convict ſhould have, 15 *Ed.* 3. 33. *Dyer* 205, 300 *Pult. de pace Regis* 212. a.

The Judgment of a man attainted of High Treaſon.

That he ſhall be led back again to the place from whence he came, and from thence ſhall be drawn upon a Hurdle to the place of Execution, and there ſhall be hanged by the neck and then ſhall be cut down alive, and his Entrals and Privy

Pult. de pace Reg. 213

Privy Members ſhall be cut from his Body, and ſhall be burned in his ſight, and his Head ſhall be cut off, and his Body ſhall be divided into four parts, and ſhall be diſpoſed at the Kings pleaſure.

Judgment of a man acquitted of High Treaſon.

That the Court doth diſcharge him paying his Fees. *Ful. de pace Reg.*

Judgment of a man attainted for clipping Mony.

That he ſhall go to the place from whence he came, and from thence ſhall be drawn upon a Hurdle, to the place of Execution, and there he ſhall be hanged by the neck until he ſhall be dead. *Pul. de pace Reg. 213.*

Judgment of a Woman for the ſame, that ſhe ſhall be burnt.

Judgment of a Woman attainted of High Treaſon, or Petit Treaſon.

That ſhe ſhall be led back again to the place from whence ſhe came, and from thence ſhall be drawn upon a Hurdle to the place of Execution, and there ſhall be burned to death. Ibid.

But if the Wife be but acceſſory to the death of her Husband, the Murderer and the wife ſhall both be hanged. Ibid.

The Judgment of a Man attainted of Petit Treason.

Ibid. *That he shall be led back again to the place from whence he came, and from thence shall be drawn upon a Hurdle to the place of Execution, and there shall be hanged by the neck, until he shall be dead.*

Judgment in Felony, as Murder, Burglary, Robbery or other Felony.

Ibid. *That the Offender shall be led to the place from whence he came, and from thence shall be carried to the place of Execution, and there shall be hanged by the neck, until he shall be dead.*

Judgment in Misprision of Treason.

Ibid. *That he shall forfeit to the King his Goods, and his Lands during his life, and shall be perpetually imprisoned during his life.*

Stat. 1 E. 6. ca 7. If any person convicted of Treason, Murder, Rape, or other Felony whatsoever, for which Judgment of death should be given, and shall be repried to Prison without Judgment at that time given; the Justices whom the King shall assign at any time to deliver the Gaol, where such person shall remain, shall give Judgment of death against him, as the same Justices, before whom he had been convicted, might have done.

Judg-

Judgment for ſtriking, or drawing Blood in the King's Court.

That the Offendor ſhall have his right hand ſtricken off, be impriſoned during his Life, and be fined and ranſomed at the King's pleaſure. Stat. 23 H. 8. c. 12. Co. 3 Inſt. 218.

Judgment in a *Præmunire* at the King's Suit.

That the Offendor ſhall be out of the King's Protection; his Lands and Tenements, his Goods and Chattels, ſhall be forfeited to the King, and his Body ſhall remain in Priſon during the King's pleaſure. Co. Ibid. Stat. 25 E. 3. 22. 25 E. 3. *de Proviſoribus.*

But if the Offendor be out of Priſon, then the Judgment is that ſhall be out of the Kings Protection, his Lands and Tenements, his Goods and Chattels, ſhall be forfeited to the King, and that his Body ſhall be committed to Priſon, during his Majeſties pleaſure. 27 E. 3. 1. 16 R. 2. 5. 44 E. 3. 36.

Judgment in caſe of Theftboot.

That the Defendent be impriſoned until he doth pay his Fine.

Of the death of a Man *per infortunium.*

Though the Law gives no expreſs Judgment upon ſuch a Verdict; yet the Law gives a Judgment, *That he ſhall forfeit all his Goods and Chattels, Debts and Duties whatſoever* Co. 3 Inſt. 220. 2 Inſt.

ever, which is found by the Jury, upon th veiw of the Body: And the Coroner muſt re turn what Goods, of what price or value, and in whoſe hands they remain in his Inquiſition, which muſt be brought in and delivered to the Clerk of Aſſize; and he muſt the next Term, or before, retorn it without alteration, into the Crown Office; and the Clerk there is bound to make out Proceſs againſt the perſon, in whoſe hands the Coroner hath returned the Goods are; to the Utlary, if he do not come in, and pay the Debt to the Lord Almoner, upon the ſight of an abſtract of the Inquiſition from the Clerk of the Crown, whoſe hand in ſatisfaction thereof, the Clerk of the Crown muſt get for the diſcharge of the Inquiſition.

Of the death of a Man *ſe defendendo.*

The ſame Judgment.

Of the death of a Man that offereth to robb, *&c.*

Co. 3 Inſt. 220.

If the verdict be, that the party killed attempted to have murdered or robbed him in any High-way, Foot-way, or in his dwelling houſe, or to break his houſe in the night; the Judgment ſhall be.

That he ſhall be acquitted of the Pennance of the death of ſuch perſon, paying his Fees, and he ſhall forfeit nothing.

Wher

When Judgment is given, the Clerk of Aſſize ſhall command the Gaoler to take away his Gaol.

Then doth the Court ſend for the Grand Jury; but you muſt note by the way, that whil'ſt the Court is trying the Priſoners as aforeſaid, ſome one of the Clerks doth take a note of all the Recuſants preſented by Conſtables out of their Preſentments, and doth make them into a Bill of Indictment in form of Law; and doth ſend both it and the Preſentments to the Grand Jury; and now, if not afore, at their coming in, they deliver the ſame Bill together with their Preſentments of other grievances, and having ſo done, they are uſually diſcharged, except extraordinary buſineſs alter it.

Proclaiming of Recuſants.

If the Indictment againſt the Recuſants be found, then doth the Clerk of Aſſize cauſe the Cryer to make a Proclamation, and then reading the names, and the Cryer repeating them with their additions as they are in the Indictment, he concludes after the laſt name thus; You and every one of you ſtand indicted at theſe Aſſizes for not coming to the Church by the ſpace of one month (or more as it is laid in the Indictment) yield your and every of your Bodies to the Sheriff of this County, ſo that he may have you and every of you before the King's Majeſties Juſtices at the next Aſſizes, and general Goal-delivery to be holden for this County, or elſe you, and every of you ſhall be convicted of Recuſancy, according to the form

of the Statute in that caſe made and provided.

This being done, the Judge having heard ſuch grievances as are complained of unto him concerning miſdemeanors, and the like.

The Cryer maketh three Proclamations to adjourn the Aſſizes.

Adjourning of the Aſſize.

And then ſaith, all manner of perſons that have here appeared before my Lords the King's Juſtices, at theſe Aſſizes and general Goal-delivery for this County of *Hertford*, may now depart at preſent, and attend again at the Court of *Niſi prius*. God ſave the King: and ſo the Court riſeth.

But note, that if the Court of Niſi prius *be then ended, then the Judges do alwais adjourn the Court to their Lodgings leſt any thing ſhould ariſe of moment before they go out of Town, they having power to act ſo long as they ſtay in Town; but if they do immediately go away, then they do uſually adjourn to keep a day upon a new Summons.*

Note alſo that at every riſing of the Court, it is adjourned over by Proclamation to ſuch an hour in the afternoon, or in the morning until the Aſſizes be ended.

Note that where it is ſaid, the Cryer muſt ſay ſuch and ſuch words, if he be not expert himſelf, the Clerk of Aſſize muſt direct him.

Note alſo that all ſuch perſons againſt whom the Sheriff returneth *Cepi Corpus* upon any

any Writ of Aſſizes delivered unto him, ought to be called in Court in convenient time; but if they do not appear, then he muſt a make *Habeas Copus* retornable the next Aſſizes.

Note alſo, that where it is ſaid the Clerk of Aſſize muſt do ſuch and ſuch things, they are uſually done by the aſſociate for that ſide.

Note that ſuch Clerks as make Indictments are in Action as long as occaſion requireth about them, and Writs of Reſtitution, or to remove Priſoners, *&c.* but their employment is of that nature, that it cannot be here expreſſed.

Your Clerk's employment concerning making *Subpœna*'s, and taking appearances upon Preſentments, I ſuppoſe you ſufficiently know, and ſo I have done on the Goal ſide: there are other obſervations which practice muſt make manifeſt.

At the riſing of the Court the Clerk of Aſſize makes a Warrant after this manner.

Deliberatio Gaolæ Domini Regis Comitat' ſui Hertford, *tent' apud Villam* Hertford *in Comitat' prædict' die Veneris viceſimo die* Septembris, *Anno Regni* Caroli *Secundi nunc* Angl' *decimo nono, coram* O. B. *Milit' & Barronet' Capital' Juſtic' Domini Regis de Banco*, & S.B. *Milit' uno Juſtic' Domini Regis, ad Gaolam ſuam prædict' de Priſon' in ea exiſten' deliberand' aſſign.*

4s. 4d. *R. D.* Attainted of Felony, and muſt be hanged by his Neck until he be dead.

18s. 4d. *T. S.* Convicted of Felony and Manſlaughter, prayed his Book, is burned in his Hand, and muſt be delivered paying his Fees.

4s. 4d. *I. B. G. T.* Theſe are convicted of Petty Larceny, and muſt be openly whipped upon ther backs, until their Bodies be bloody, and then be delivered, paying their Fees.

11s. 4d. *F. N.* Is aquitted of Felony and Burglary, and muſt be delivered, paying his Fees.

P. C. For ſuſpicion of Felony, and Robbery on the High-way, in the County of *Bedford*, muſt remain in Gaol without Bail until he be ſafely conveied to the common Gaol of the ſaid County of *Bedford*.

R. W. A young Boy now acquitted of Felony, and being taken vagrant at the Pariſh of *R.* in this County, muſt be openly whipped, and then ſent and paſſed from Conſtable to Conſtable the next direct way to the Pariſh of *H.* in *L.* where he was born, there to be provided for according to Law.

F. B. *Attinct' ad ult' de Rob'*

W. N. *Tunc attinct' de Felon' Equi.*

Theſe now pleaded his Majeſties moſt gracious Pardon for the ſame, upon condition of Tranſportation to ſome of his Majeſties Forreign Plantations beyond the Seas, which is allowed unto them; and they muſt remain in Gaol until they reſpectively find good Sureties for their Tranſportation accordingly, and when delivered, to pay their Fees.

J. B.

J. B. W. W. Theſe are delivered by Proclamation, and muſt be diſcharged, paying their Fees. *nil.*

A. B. *Attinct' ad ult' de Felonia*, now pleaded his Majeſties moſt gracious Pardon for the ſame abſolutely, which is allowed unto him, and muſt be delivered, paying his Fees. 40s.

Examinat' per R. M. *Cler'*
Aſſizarum & general'
Gaolæ Deliberation' pro
Comitat' Hartf. *prad'*

The

The Proceedings on the Niſi prius.

WHen the Court is ſet, and Records and Writs put into the Court fit for Tryal: the Cryer muſt make a Proclamation, and the Clerk muſt direct him to ſay,

Calling the Jury. You good men of the *Niſi prius* ſummoned to appear here this day, betwixt *A. B.* Plaintiff, and *C. D.* Defendent, anſwer to your names, every man at the firſt call, and ſave your Iſſues.

Then muſt they be called by name with this concluſion, thou loſeſt a mark in Iſſues to every one of them. And if a full Jury do not appear, then call the defaults without addition, and then if twelve do not appear *Vous aves nul inqueſt.*

Calling the Defendent. Then call the Defendent *C. D.* come forth or this Inqueſt ſhall be taken in thy default, this muſt be done thrice; if the Defendent appear not, then muſt the Clerk write on the back of the Pannel, *per defalt.*

Note that if the Defendent do not appear when he is called, he loſeth the benefit of his Challenge to the Jurors; but if he appear, he may challenge them.

Note that no Challenge can be made to any of the Jury before the Jury be full.

Then

Then the Clerk muſt ſay, parties look to your Challenge, and ſo call the Jury ſeverally in order to the Book to be ſworn, and as they come to the Book the Marſhal muſt ſwear them, unleſs the Plaintiff challenge any of them, which if he doth, the Juror ſo challenged muſt ſtand by, till the reſt be ſworn to eleven more in rank as they appear, and then the Clerk muſt ask the Plaintiff why he challengeth ſuch a man. *Challenge.*

Then the Plaintiff ſhewing his cauſe, if it be ſufficient, the truth thereof ſhall be tryed by two other ſworn upon the ſame Jury; and if they find the cauſe true, then he ſhall be ſpared, otherwiſe he ſhall be ſworn.

In every Writ of *Habeas corpora* or *Diſtringas*, if a full Jury appear not, or being full fall ſhort by Challenge, the Juſtices upon requeſt of either party, may command the Sheriff or other Officer, to name ſo many others then preſent as may make the Jury full, who ſhall be added to the former Pannel, and their names ſubſcribed thereto. *Stat. 4 5 H. 8. c. 6.*

Note that a Tales de circumſtantibus, *may not be awarded in an Aſſize but upon* Niſi prius. *Cro. 3 Rep. fo. 341.*

The parties may have their Challenge to theſe *Tales de circumſtantibus*, and the Juſtices may proceed to try the Iſſue by them together with the others returned, as well as if ſuch *Tales* had been returned upon ſuch *Habeas corpora* or *Diſtringas*, and the Trial ſhall be as effectual, as if it had been tryed by 12 of the Jurors retorned.

If

If any of the *Tales* being preſent appear not, or after Appearance withdraw himſelf, the Juſtices may ſet a Fine upon him.

Though the Jury be made full by the *Tales*, yet the Jurors that made default ſhall loſe their Iſſues.

Upon a reaſonable excuſe for default of a Juror, proved by two witneſſes before the Juſtices, they may diſcharge the Iſſues loſt.

Stat. 4 & 5 P. & M. c. 7.

A *Tales de circumſtantibus* may, upon requeſt for the King or Queen, by any authorized thereunto, or aſſigned by the Court, or upon requeſt by the Proſecutor or his Attorny, and by the command of the Juſtices of Aſſize, or *Niſi prius*, be granted in a Suit commenced upon a Penal Statute.

Stat. 14 Eliz. 9.

If the Plantiff or Deſendent do not pray a *Tales*, it ſhall be granted by the Juſtices of *Niſi prius* in *England*, or thoſe of *Oyer* or Aſſize in *Wales*, *Cheſter*, *Lancaſter*, or *Durham*, at the prayer of the Deſendent or Tenant, as well in Suits upon Penal Laws as other Tryals.

When the Judge grants a *Tales de circumſtantibus*, The Sheriff muſt return ſome names for that pupoſe, ſuch as are then within view of the Court.

And then the Clerk muſt direct the Cryer to call them on this manner.

You good men of the *Tales* newly returned according to the form of the Statute, anſwer to your names every man at the firſt call, and ſave your Iſſues, or upon pain and peril, *&c.*

Then

Then they appearing muſt be ſworn with the other Jurors.

You ſhall well and truly try the Iſſue of this *Niſi prius*, between the parties, accord- to your Evidence; ſo help you God. *Their Oath.*

And when they are ſworn, they muſt be counted, and asked if they be all ſworn, and bid ſtand together and hear your charge.

Then muſt the Aſſociate for that ſide read the Record, and charge the Jury as the Record is, what they are to enquire, the certainty cannot be here expreſſed.

Then do the Council on both ſides open the Cauſe one after another, the Plantiff's Council firſt, if the proof lye on his ſide, otherwiſe the Defendents, and produce ſuch witneſſes as do prove ſuch matters as they alledge, *&c.* *Charge of the Jury on the* Niſi prius.

In the interim doth the Clerk file the Writ, Pannel, and Record together.

And maketh a Copy of the Juries names, and the Iſſue they are to try, and when the Council have done, he delivereth it to the Jury; and a Bailiff being ſworn to keep them till they be agreed, without Meat, Drink, *&c.* they depart from the Bar, and and when they are agreed, they return to give their Verdict. *Copy of the Iſſue. You may read the form of the Oath in the following Treatiſe called the Clerk of the Peace.*

Then doth the Clerk call them by their names, and ask them if they be agreed of their Verdict; and who ſhall ſay for them. *Taking the Verdict.*

Then muſt the party be called thrice.

A. B. *come forth, or elſe thou loſeſt thy Writ of* Niſi prius.

If

If he appear not, then the Defendent muſt pay the Jury, and the Fees of the Court, and have the Non-ſuit recorded.

But if the Plaintiff appear, then the Clerk asketh the Jury:

What ſay you, do you find for the Plantiff, or for the Defendent; and what Coſts and Damages according as the cauſe is, and ſo he entreth it on the back of the Pannel, and repeats it to the Jury; Ye ſay ye find, &c.

Note, that in Debt Coſts and Damages.
Trepaſs Damages, 10s. *Coſts* 40 s.
Ejectment Dam. —— *Coſts* 40s.
Nuſance Dam. —— *Coſts* 40s.
Covenant. Dam. 10s. *Coſts* 40.
Audita Querela ſur Stat. The Iſſue and value of the Land.
Waſte. Treble Damages.
Quare impedit.

1. Whether the Church was void by the death of the Incumbent?

2. Whether it be now full or not? If it be full, at whoſe Preſentation? and if ſix months be paſt ſince the laſt Avoidance, and of what value it is by the year? and what Coſts and Damages?

Debt for Tythes, treble value of the Tythes, and no Coſts nor Damages.

The Verdict.

In dower. *Inquiratur ſi vir obierit ſezitus de tenementis prædictis in dominico ſuo ut de feodo, aut de feodo talliato. Et ſi ita invenierint, tunc*

*quan-*um

quantum tenementa illa valent per annum in omnibus exitibus ultra repriſas juxta verum valorem eorundem, & quantum tempus dilabitur a tempore mortis prædicti viri. Et quæ Dampna petens ſuſtinet tam occaſione detentionis datæ quam præmiſſorum.

The Jury finding the dying Seiſed, they muſt aſſeſs Coſts and Damages, but if they find the Husband was ſeiſed, but did not dye ſo, then no Coſts nor Damages, but only the value of the Land. *En Dower Nota.*

In Detinue. *Si pro quer. de valore rei detent. & cuſtag. & dampna.*

In Replevin. Damages for both paries and Coſts.

In Account. No Damages no Coſts.

In Placito terræ. Nulla dampna nec cuſtagia.

Warrantia Chartæ. Conſimile.

Aſſize. *Conſimile.*

Prohibition. *Si pro quer. tum enquir. de exitibus & non plus.*

Partitione facienda. Si pro quer. tunc de exit. & non plus.

En brevie de Entry in le per. Cuſtag. & dampna.

In all real Actions, generally no more than the Iſſue.

And many other things may happen in Execution of this buſineſs, which time and obſervation will make perfect.

In the mean time you muſt take theſe as the Heads.

The

If he appear not, then the Defendent muſt pay the Jury, and the Fees of the Court, and have the Non-ſuit recorded.

But if the Plaintiff appear, then the Clerk asketh the Jury:

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Audita Querela ſur Stat. The Iſſue and value of the Land.

Waſte. Treble Damages.

Quare impedit.

1. Whether the Church was void by the death of the Incumbent?

2. Whether it be now full or not? If it be full, at whoſe Preſentation? and if ſix months be paſt ſince the laſt Avoidance, and of what value it is by the year? and what Coſts and Damages?

Debt for Tythes, treble value of the Tythes, and no Coſts nor Damages.

The Verdict.

In dower. *Inquiratur ſi vir obierit ſezitus de tenementis prædictis in dominico ſuo ut de feodo, aut de feodo talliato. Et ſi ita invenierint, tunc*

quan-

quantum tenementa illa valent per annum in omnibus exitibus ultra repriſas juxta verum valorem eorundem, & quantum tempus dilabitur a tempore mortis prædicti viri. Et quæ Dampna petens ſuſtinet tam occaſione detentionis datæ quam præmiſſorum.

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In all real Actions, generally no more than the Iſſue.

And many other things may happen in Execution of this buſineſs, which time and obſervation will make perfect.

In the mean time you muſt take theſe as the Heads.

The

The Term buſineſs after the Aſſizes.

Returning of Poſteas FIrſt the returning of all the Poſteas: which muſt be done on the backſide of the Records, tryed at the Aſſizes, which muſt be done as they are called for by the Attorneys, for ſuch as are agreed will not be called for at all.

Out of Proceſs. The putting of all ſuch perſons out of Proceſs, as have appeared at the Aſſizes, and are diſcharged, and entring of them in a Book for that purpoſe.

Into Proceſs The putting of all ſuch perſons into Proceſs as are newly preſented by the Grand Juries and chief Conſtables, at the Laſt Aſſizes, and entring them into the Book of Proceſs.

Making of Proceſs. The writing over the Proceſs again for every Shire, and delivering of them to ſeveral Sheriffs to be executed.

Certifying of Convicts and Inquiſition. The certifying of the Convictions of all ſuch as were burned in the hands throughout the whole Circuit, and alſo all Inquiſitions of *Felo de ſe*, *per Infortunium & ex viſitatione Dei*, returned by the Coroners this laſt Circuit into the Crown Office.

Special Verdicts. The drawing up and entring of all ſpecial Verdicts of the laſt Circuit, and others behind, if any be.

Convictio s of Recuſants The certifying of the conviction of all the Recuſants convicted at theſe Aſſizes into the Exchequer in *Eaſter* Term.

The

The making of a little ſhort certificate to the Lord Keeper, of all the notorious facts in the Circuit when the Judges ſhall call for it according to the truth of the proceedings. *Making certificates.*

The making of the great Eſtreat in *Michaelmas* Term, of all Forfeitures of Juſtices of Peace, Coroners, Stewards of Liberties, chief Conſtables, Bailiffs of Hundreds, and Grand Juries for their not appearance for the whole year, and of all convicted Recuſants at Summer Aſſizes, the Amerciaments upon all perſons for Nuſances and Treſpaſſes, and the Iſſues returned by the Sheriff upon the Proceſs of the Aſſizes for the whole preceeding year, whereupon no appearance hath been made; and the returning of the ſame into the Exchequer. The forms and copies of which Eſtreats from time to time returned, are extant among other Records of the Office. *General Eſtreat.*

The drawing up of Traverſes in form of pleading for all ſuch as have taken order for the ſame at the Aſſizes, or ſhall take order in Term-time, to any Indictments of Treſpaſs, Riots, Converſions, Depopulation, decay of High-ways and Bridges, or the like, and the entring of them upon the Traverſe Roll, and making out of *Venire facias* upon the ſame Traverſes. *Traverſes.*

The putting of all ſuch as are indicted of Felony, and are at large into Proceſs. *Proceſs againſt Felons.*

The putting of all ſuch as are indicted for Riots, and other Treſpaſſes into Proceſs. *Againſt indicted treſpaſſers.*

Note that the first Proceſs in Felony is a Capias *returnable the next Aſſizes, and after that an* Exigent.

Proceſs in Felony and Treſpaſs.

Note alſo, that the firſt proceſs in Treſpaſs, is a *Venire facias* returnable at the next Aſſizes, and after that, a *Capias* or *Diſtringas*, as the Sheriff ſhall return the party ſufficient or inſufficient.

And if a Capias, *then* alias Capias, plures Capias, *and* Exigent, *one going forth when the other is returned, unleſs the party appear.*

And if a *Diſtringas*, then a Diſtreſs infinite until the party appear; which Diſtreſs ought to be Eſtreated once every year into the Exchequer.

The forms of all which Proceſs are extant in the Office.

Some other occaſions, as returning of *Cerciorari*'s into the Crown Office to remove Indictments, happen now and then, which a skilful Clerk will perform.

THE OFFICE OF THE CLERK Of the PEACE.

ſhewing the true

MANNER and FORM

OF THE

PROCEEDINGS

at the

Court of General Quarter-Seſſions

OF THE

PEACE.

With a Table of Fees thereunto belonging, very uſeful and neceſſary for all Perſons concerned there.

LONDON,
Printed by *S. Roycroft*, for *Henry Twyford* in the *Hall-Court* of the *Middle Temple*, 1681.

TO THE READER.

TIs the Opinion of Sir *Edward Coke* in his fourth Inſtitutes, that the Power and Juriſdiction of Juſtices of Peace is ſuch a Form of Subordinate Government for the Tranquility and Quiet of the Realm, as no part of the Chriſtian World hath the like, if the ſame be duly executed; for it is the Soveraign means that does produce Peace and Quiet, the common Parents of true Felicity, which is the End whereto all mens Actions tend: And for

the better diſpenſation of Juſtice to the People, Men of the greateſt Birth, Parts, Reputtion and Eſtate in the Country have for the moſt part had the Honour to be concerned in this Affair; that their Birth may be a glory to their Seats, their Parts an advantage to Juſtice, their Reputation a ſatisfaction to the People, and their Eſtates a ſupport againſt Corruption: But divers of theſe Gentlemen having not been converſant in the Practiſe of the ordinary Courts of Juſtice, often in the abſence of thoſe worthy Perſons, who be aſſociated with them for their Learning in the Law, meet with many difficulties, and Diſcouragements; wherefore ſome Gentlemen, who had procured a ſight of

theſe

theſe Collections from me, and conceiving that if they were expoſed to publick View they would be very uſeful, and advantagious to ſuch as were concerned in theſe Courts, did prevail with me, who had deſigned them only for my own private uſe, to ſuffer them to paſs the Preſs, for the general Good and Benefit of the Kingdom, that every Perſon concerned in their ſeveral Stations, may know the Rules of the Court, and the Forms of the Law; and that all Juſtices of Peace in their courſe of Juſtice, may be enabled the more Methodically to proceed according to the directions in their Commiſſion, *Facturi quod ad Juſtitiam pertinet Secundum Legem & Conſuetudinem* Angliæ.

The Manner and Form of Proceedings at his Majesties Court of general Quarter Sessions of Peace, holden before his Justices of the Peace, by his Majesties Commission of the Peace, according to the Laws and Customs of the Realm.

THE General Sessions of the Peace is an Assembly or Meeting of Two or more Justices of Peace, whereof one must be of the *Quorum*, at a certain day and place, to enquire by Jury or otherwise to take Knowledge, and to hear and determine according to their Power, of Causes within their Commission and the Statutes referred to their Charge: And is grounded chiefly upon the Words of the second *Assignavimus* in the Commission, the which being *vos & quoslibet duos vel plures vestrum, quorum, &c.* do very necessarily require the presence of one of the *Quorum*. Lamb. Just. Bolton. 2. par. f. 1.

The

The Form of a Commiſſion of the PEACE.

Dalt. f. 16. CAROLUS *Secundus*, &c. *Prædilecto & fideli Conciliar'* Heneagi *Dom'* Finch, *Dom' Chancellar'* Angliæ, Thomæ *Comit'* Southampton, *Dom' Theſaurar'* Angliæ, Arthuro *Comit'* Eſſex, &c. *Sciatis quod aſſignavimus vos, conjunctim & diviſim, & quemlibet veſtrum, Juſticiar' noſtros, ad Pacem noſtram in Comitat' noſtro* Hertford *conſervand' ac ad omnia Ordinationes & Statuta pro bono Pacis noſtræ, ac pro conſervatione ejuſdem, & pro quieto regimine & gubernatione populi noſtri edita in omnibus & ſingulis ſuis Articulis, in dicto Comitat' noſtro, (tam infra Libertat' quam extra) juxta vim, formam & effectum eorundem cuſtodiend' & cuſtodiri faciend' & ad omnes contra formam Ordinat' vel Statut' illorum, aut eorum alicujus in Com' præd' delinquentes caſtigandum & puniend' prout ſecundum formam Ordinat' & Statut' illorum fuerit faciend' & ad omnes illos, qui alicui, vel aliquibus de populo noſtro, de corporibus ſuis, vel de incendio domorum ſuarum, minas fecerint, ad ſufficientem ſecuritatem de pace vel bono geſtu ſuo erga nos & populum noſtrum inveniend' coram vobis, ſeu aliquo veſtrum venire faciend' & ſi hujuſmodi ſecuritatem invenire recuſaverint, tunc eos in priſonis noſtris (quouſque hujuſmodi ſecuritatem invenerint) ſalvo cuſtodiri faciendum.* Aſſigna-

Assignavimus etiam vos, & quoslibet duos vel plures vestrum, (quorum aliquem vestrum A. B. C. D. E. F. *&c. unum esse volumus) Justiciar' nostros, ad inquirendum per Sacramentum proborum & legalium hominum de Comitat' prædict' (per quos rei veritas melius sciri poterit) de omnibus & omnimodis Feloniis, Veneficiis, Incantationibus, Sortilegiis, Arte Magica, Transgressionibus, Forstallariis, Regratariis, Ingrossariis, & Extortionibus quibuscunque, ac de omnibus & singulis aliis Malefactis & Offencis (de quibus Justiciar' pacis nostræ legitime inquirere possunt, aut debent) per quoscunque & qualitercunque in Comitat' prædict' factis sive perpetratis vel quæ imposterum ibidem fieri vel attemptari contigerit: Ac etiam de omnibus illis qui in Comitatt' prædict' in Conventiculis contra pacem nostram in perturbationem populi nostri, seu vi armata ierint vel equitaverint, seu imposterum ire vel equitare præsumpserint, ac etiam de omnibus his qui ibidem ad Gentem nostram machinandum vel interficiendum in insidiis jacuerunt vel imposterum jacere præsumpserint: ac etiam de Hostelariis, & aliis omnibus & singulis personis qui in abusa ponderum vel mensurarum, sive in venditione Victualium contra formam Ordinationum & Statut' vel eorum alicujus inde pro communi utilitate Regni nostri* Angliæ *& populi nostri ejusdem editorum, deliquerunt, vel attemptaverunt, seu imposterum delinquere vel attemptare præsumserint in Comitat' prædict' Ac etiam de quibuscunque Vicecomitibus, Balivis, Seneschallis, Constabulariis, Custodibus Gaolarum, & aliis Officiariis qui*

Ad inquirendum.

in

in Executione Officiorum ſuorum (circa promiſſa ſeu eorum aliqua) indebite ſe habuerunt, aut impoſterum indebite ſe habere præſumpſerunt, tepedi, remiſſi, vel negligentes fuerunt, aut impoſterum fore contigerint in Comitat' prædict' & de omnibus & ſingulis Articulis & circumſtantiis, & aliis rebus quibuſcunque per quoſcunque & qualitercunque in Comitat' prædict' factis ſive perpetratis, vel quæ in poſterum ibidem fieri vel attemptare contigerint, qualitercunque præmiſſorum vel eorum alicujus concernentibus plenius veritatem: Et ad Indictamenta quæcunque ſic coram vobis ſeu aliquibus veſtrum capta, ſive capienda, aut coram aliis nuper Juſticiar' Pacis in Comitat' præd' facta ſive capta, (& nondum terminata) inſpiciendum: ac ad proceſſus inde verſus omnes & ſingulos ſic indictatos vel quos coram vobis in poſterum indictari contigerit, (quoſque capiantur, reddant ſe vel utlagentur) faciendum & continuandum: & ad omnia & ſingula Felonias, Veneficia, Incantationes, Sortilegia, Artes Magicas, Tranſgreſſiones, Forſtallarias, Regratarias, Ingroſſarias, Extortiones, Conventicula, Indictamenta prædict' cæteraque omnia & ſingula præmiſſa ſecundum Leges & Statuta Regni noſtri Angliæ, *prout in hujuſmodi caſu fieri conſuevit aut debuit) audiendum & terminandum, & ad eoſdem delinquentes, & quemlibet eorum pro delictis ſuis per Fines, Redemptiones, Amerciamenta, Foriſfacturas, ac alio modo (prout ſecundum Legem & Conſuetudinem Regni noſtri* Angliæ, *aut formam Ordinationum & Statutor' præd' fieri conſuevit aut debuit) caſtigandum & puniendum.*

Indictamenta capere.

Proceſſus facere.

Ad audiendum & terminandum.

Pro-

Proviſo ſemper, quod ſi caſus difficultatis ſuper determinatione aliquorum præmeſſorum coram vobis vel aliquibus duobus vel pluribus veſtrum evenire contigerit, tunc ad Judicium inde reddendum, niſi præſentia unius Juſticiar' noſtrorum de uno vel de altero Banco, aut Juſtic' noſtrorum ad Aſſiſas in Com' prædict' capiend' aſſignat' coram vobis, vel aliquibus duobus, vel pluribus veſtrum minime procedatur.

Et ideo vobis & cuilibet veſtr' mandamus quod circa cuſtodiam Pacis, Ordinat' & Statut' & omnium & ſingul' cæterorum præmiſſ. diligenter intendatis, & ad certos dies & loca, quæ vos vel aliqui hujuſmodi, duo vel plures veſtrum (ut prædictum eſt) ad hæc provideritis, ſuper præmiſſis faciatis inquiſit' & præmiſſa omnia & ſingula audiatis & terminetis, ac ea faciatis & expleatis in forma præd' facturi inde quod ad Juſtic' pertinet, ſecundum Legem & Conſuetudinem Regni noſtri Angliæ: *Salvis vobis Amerciamentis & aliis ad nos inde ſpectantibus.* Charge to the Juſtices.

Mandmaus etiam tenore præſentium Vicecom' noſtro Hertford, *quod ad certos dies & loca (quæ vel aliqui hujusmodi, duo vel plures veſtrum, ut prædict' eſt ei, ut prædictum eſt, ſciri feceritis) venire faciat coram vobis, vel hujuſmodi duobus vel pluribus veſtrum (ut dictum eſt) tot & tales probos & legales homines de Balliva ſua, tam infra libertates quam extra per quos rei veritas in præmiſſis melius ſciri poterit & inquiri.* To the Sheriff.

Aſſignavimus denique te præfatum Arthur' *Com' Eſſex, Cuſtod' Rotul' Pacis noſtræ in dict' Comitat' noſtro: Ac propterea tu, ad dies* To the *Cuſtos Rotulorum.*

&

& loca prædᵗ Brevia, Præcepta, Proceſſus & Indictamenta prædicta, coram te & dictis ſociis tuis venire facias, ut ea inſpiciantur, & debito Fine, terminentur, ſicut pradictum eſt. In cujus rei teſtimonium, &c. *Datum,* &c.

Stat. 2. H. 5. c. 4.

THE Juſtices of Peace for every County in *England* (except *Middleſex*, where the Court of King's Bench does uſually ſit) muſt hold their ſeveral Courts of General Quarter Seſſions of the Peace for their reſpective Counties upon their uſual dayes in every particular Week following the ſeveral Feaſts of the *Epiphany*, the Cloſe of *Eaſter*, the Tranſlation of *Thomas* the Martyr (being the Seventh day of *July*) and St. *Michael* the Archangel; And that every perſon concerned may know the time and place of holding the Seſſions, Two or more of the Juſtices of Peace, (One being of the *Quorum*) muſt direct a Precept under their Hands and Seals to the Sheriff of their particular County after this manner.

The

The Form of the Summons of the General Quarter-Seſſions of the Peace.

Hertf. ſſ. A. B. *Miles &* C D. *Armiger duo Juſticiarii Domini Regis ad Pacem in Comitatu* H. *prædict' conſervandam, necnon ad diverſa Felonias, Tranſgreſſiones, & alia Malefacta in prædicto Comitatu perpetrata audiendum & terminandum aſſignat' Vicecomiti ejuſdem Comitatus ſalutem; Ex parte dicti Domini Regis tibi præcipimus quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & venire facias coram nobis vel ſociis noſtris Juſticiariis pacis,* &c. *die* Lunæ *Tertio die* Octobris *proximo futuro apud Villam de* H. *in Comitatu prædicto tam viginti quatuor probos & legales homines de quolibet Hundredo in Balliva tua, quam viginti quatuor milites & alios probos & legales homines de Corpore Comitatus tui (tam infra Libertates quam extra) quorum quilibet eorum habeat quadraginta ſolidos redditus terrarum & tenementorum liberorum per annum ad minus, ad inquirendum tunc & ibidem ſuper his quæ ex parte dicti Domini Regis eis injungentur.* * Venire facias etiam omnes priſonar' in Gaola dicti Domini Regis pro Comitatu prædicto exiſtentes, qui ad Generalem Seſſionem pacis pro Comitatu prædicto tent' præfat' die deliberari debent una cum eorum

* *This Clauſe is omitted by Mr.* Lambert *and to be uſed only when ſmall Felonies and petty Larcenies are to be determined at the Seſſions.*

eorum Attachiamentis, Re-attachiamentis, & omnibus aliis adminiculis, priſonar' illos qualitercunque tangen' & de Vic' cujuſlibet Villæ & loci ibidem Felonia & alia Malefacta unde iidem priſonarii indictati ſive arreſtati exiſtunt facta fuerint tam infra Libertates quam extra viginti quatuor alios probos & legales homines de Comitatu prædicto per quos rei veritas melius ſciri & inquiri poterit; Et qui Priſonar' illos nulla affinitate attingunt una cum quatuor hominibus & præpoſitis Villæ & loci eorum ad faciend' ea quæ ex parte dicti Domini Regis nunc tunc & ibidem eis injungentur. Publice etiam proclamari facias per totam Ballivam tuam quod omnes illi qui ſequi voluerint verſus priſonar' illos quod tunc ſint ibi verſus eos prout juſtum fuerit proſecutur. *Scire facias etiam omnibus Coronatoribus Comitatus tui, Seneſchallis, Conſtabulariis, Sub-Conſtabulariis, & Ballivis Libertatum infra Hundreda & Libertates præd' quod tunc ſint ibi cum Rotulis, Recordis, Indictamen' & aliis memorand' ſuis ad faciendum & perimplendum ea quæ ad ſeparalia Officia ſua pertinent. Proclamari præteria facias per totam Ballivam tuam in loci idoneis prædictam Seſſionem Pacis ad diem & locum præd' fore tenendum. Et tuipſe tunc ſis ibidem ad faciendum & exercendum ea quæ ad Officium tuum pertinent; Et habens ibi tunc tam nomina Juratorum, Coronatorum, Seneſchallorum, Conſtabulariorum, Sub-Conſtaulariorum, & Ballivorum præd' quam hoc Præceptum. Datum ſub Sigillis noſtris apud Villam*

de

de H. *præd' primo die* Septembris *Anno Regni dicti Domini noſtri Regis* Caroli *Secundi nonodecimo Annoq; Domini noſtri*, 1667.

This Writ of Summons ſhould bear Teſt fifteen days before the Return, and ought forthwith to be delivered to the Sheriff, to the end he may have ſufficient time to proclaim the Seſſions, to Summon and return the ſeveral Juries, and to warn all Officers and others that have buſineſs there to attend at the Seſſions.

When the Sheriff has received this Precept, he muſt direct ſeveral Warrants to the ſeveral Bayliffs of Liberties, and Bayliffs of Hundreds, containing in them the whole ſubſtance of this Precept; and the Sheriff ought to keep for himſelf a particular Note of the names of ſuch perſons as he nominateh in the Warrant to be Summoned, to ſerve upon the Grand Inqueſt, or upon the particular Juries of Enquiry for Hundreds and Liberties, or upon the Petty Jury for the Tryal of Priſoners; and not to leave it to the diſcretion of Bayliffs to put in and out whom they pleaſe in that ſervice.

The Form of the Warrant from the Under-Sheriff to his Bayliffs, for the Summoning of the Seſſions.

Hertf. ſſ. F.C. *Armiger Vicecomes Comitatus prædict' Ballivo Hundred' de* O. & E. *ſalutem. Virtute brevis Domini Regis mihi direct' tibi mando quod non omittas propter aliquam libertatem in balliva tua quin eam ingrediaris & venire facias coram Juſticiariis Domini Regis ad Pacem in Comitatu prædicto conſervandum necnon ad diverſa Felonias & tranſgreſſiones & alia malefacta in dicto Comitatu perpetrata audiendum & terminandum Aſſignat' die* Lunæ *tertio die* Octobris, *proximo futuro apud Villam de* H. *in Comitatu prædicto ſeparales perſonas ſubſcript' ad faciend' ea quæ tunc & ibidem ex parte Domini Regis eis injungentur:* Publicè etiam proclamari facias per totam Ballivam tuam quod omnes illi qui proſequi voluerint verſus Priſonar' in Gaola Domini Regis pro Comitatu prædicto exiſtentes qui ad Generalem Seſſionem Pacis pro Comitat' præd' ten' præſat' die deliberari debent; quod tunc ſint ibi verſus eos prout juſtum fuerit proſecuturum. *Scire facias etiam omnibus Coronatoribus, Seneſchallis, Conſtabulariis, Sub-Conſtabulariis,*

bulariis, & Ballivis Libertatum infra Hundreda & Libertatem tuam prædict' quod ſint tunc ibi cum Rotulis, Recordis, Indictamentis, & aliis memorandis ſuis ad faciendum & perimplendum ea quæ ad ſeparalia Officia ſua pertinent; Et quod tu ipſe ſis ad tunc ibidem ad faciendum omnia ea quæ ad Officium tuum pertinent; Et habeas ibi nomina prædict' Coronatorum, Seneſchallorum, Conſtabulariorum, Sub-Conſtabulariorum, & Ballivorum Libertatum una cum hoc præcepto ſub periculo incumbente. Dat' ſub ſigillo Officii mei decimo die Septembris, *Anno Regni,* &c. *Annoq; Domini* 1667.

E. C. *Arm' Vic.*

Tibi etiam mando quod capias J. D. *de* Y. W. R. *de* C. & T. S. *de* R. *Ita quod corpora eorum habeas coram Juſticiariis prædict ad diem & locum prædict' ad reſpondendum dicto Domino Regi de quibuſdam Tranſgreſſionibus & Contemptis unde indictati exiſtunt, & hoc nullatenus omittas ſub pœna incumbente quam incurſurus es ſi in executione præmiſſorum deſeceris.* Subſcription.

Tibi etiam mando quod venire facias has perſonas in Schedula huic Warrantiæ annexa, nominatas; Ita quod ſint ad diem & locum prad' ad faciendum ea quæ eis tunc & ibidem injungentur.

per eundem Vic.

The Sheriff may write theſe two laſt Subſcriptions under the former Warrant, and

ſign the ſame with his hand and the Seal of his Office; and he may file a *Schedule* to the back-ſide of this Warrant, wherein he may ſet down the names and dwelling places of ſuch perſons as the Bayliff ſhall warn to ſerve upon the Grand Inqueſt by themſelves, and upon the particular Juries for Hundredsand Liberties by themſelves; Or elſe if there be ſpace he may ſet them down under the end of the Warrant; And he ought to keep a Note of them, that he may be able to ſhew to the Court upon occaſion whom he had appointed to be returned for that ſervice if they had come; and if the fault fall out to be in the Bayliff, then he ſhall be puniſh'd, and the Sheriff excuſed.

Star. 11 H. 4. c. 9. No perſons (except the ſworn and known Officers of the Sheriff, or other Officers to whom the ſame appertaineth) may nominate to the Sheriff any Jurors to be returned upon Indictments; And if any Indictment be taken to the contrary, the ſame ſhall be void. *Dal.* Office of Sheriffs. *fo.* 119.

Note, That the Sheriff ſhall return the moſt ſufficient Free-holders in the County (who be not aſſigned Commiſſioners by the Commiſſion of the Peace) to ſerve upon the General Jury for the body of the County, and he ſhall impannel Petit Conſtables (if there be not others ſufficient to ſerve) to ſerve upon the particular Juries for Hundreds and Liberties; And every ſuch Inqueſt muſt contain twelve in number at the leaſt

Lam. 400.

leaſt, but the uſual courſe is to ſwear an odd man, as ſeventeen, nineteen, or one and twenty, to the end if they ſhould diſſent in Opinion ſomewhat equally, yet there ſhould be always one to caſt the Ballance; and if twelve of them agree, the diſſent of the reſidue cannot hinder the Preſentment.

Note, that tis neceſſary that three or four be retorned out of every Hundred to ſerve upon the Grand Inqueſt, and the Names of the Hundreds to be written in the Margin of the Retorn againſt the Names of the Hundredors, and if the Sheriff ſhall retorn any ſuch Jurors to the Seſſions without giving them warning by his Bayliff the Sheriff is finable.

Then the Sheriff ſhall make his Retorn of the Summons to the Seſſions after this manner.

The Retorn of the Summons of the General Quarter-Seſſions.

Dalt. Office of Sheriff. 776.

EXecutio iſtius Brevis patet in quibuſdm Schedulis huic Brevi annex'.

E. C. *Arm' Vic.*

Or thus.

VIrtute iſtius Brevis mihi directi venire feci coram Juſtic' infra ſcript' apud Villam H. die anno & loco infra content' tam viginti quatuor probos & legales homines de quolibet Hundredo in Balliva mea, quam viginti quatuor homines & alios probos & legales homines de corpore Comitat' præd' (tam infra Libertates quam extra) ad inquirendum tunc & ibidem ſuper his quæ ex parte dicti Domini Regis eis injungentur. Venire feci etiam omnes priſonar' in Gaol' dicti Domini Regis pro Comitat' præd' exiſtend' qui ad Generalem Seſſionem Pacis pro Comitat' prædict' tent' præfat' die deliberari debent, una cum eorum Attachiamentis, Re-atchiamentis & omnibus aliis adminiculis priſonariorum illos qualitercunque tangendis Publice etiam proclamari feci per totam Ballivam meam quod omnes illi qui ſequi voluerint verſus priſon' illos ſeu eorum aliquem quod tunc ſint ibi verſus eos prout juſtum fuerit proſecuturi

cuturi. Scire feci omnibus Coronatoribus Seneſchallis Conſtabular' Sub-Conſtabular' & Ball' Libertat' & Hundred' Com' præd' quod tunc ſint ibidem cum Rotul' Record' Indictament' & aliis memorand' ſuis ad faciend' ea quæ ad Offic' ſua pertinent prout interius mihi præcipit'.

Reſiduum Executionis iſtius Præcepti patet in quibuſdam Schedulis huic Præcepto annexatis.

A. B. *Arm. Vic,*

To this is annexed divers Pannels fairly ingroſſed in Parchment, one containing the names of the Coroners, Stewards of Leets & Liberties, the chief Conſtables of the Hundreds, and the Petit Conſtables of Pariſhes and Hamlets, and Bayliffs of Hundreds and Liberties; another Pannel containing the names of the Grand Inqueſt;& other Pannels containing the names of the particular Jurors for Hundreds and Liberties.

Then the Sheriff muſt mak a Kalendar of the names of the Coroners, Stewards of Leets and Liberties, Chief Conſtables, Petit Conſtables, Bayliffs of Liberties and Hundreds,and of all Priſoners charged with Felonies,Petty Larcenies or any other Crimes with the Fact to their names for which they be committed which are in the the Goal, or which are bayled by the Juſtices after they were committed, that the

ſame may be delivered at the Quarter-Seſſions to the *Cuſtos Rotulorum* or his Deputy, when he retorns the Præcept.

The Form of The Calendar.

Hertf. *CAlendarium de nominibus Coronat' Seneſchal' Capit' Conſtabul' Sub-Conſtabul' Bali' Libertat' & Hundred' in Com' præd' ſummon' ad eſſend' ad Generalem Seſſionem Pacis pro Com' præd' tenend' apud* H. *in Com' præd' die* Lunæ *tertio die* Octobr' *Anno Regni Dom' noſtr'* Caroli *Secundi*, &c. *Ac de nominibus Priſonar' in Gaola præd' exiſtend' ad Generalem Seſſionem Pacis deliberand.*

Nomina Coronator'

E. S. *Gen' un' Coronator' Com' præd.*

F. C. *Gen' al' Coronator' Com' præd.*

Nomina Seneſchal'

A. B. *Gen' Seneſchal' de Libertat'* O.

C. D. *Gen' Seneſchal' de Hundred'* E.

Nomina Capital' Conſtabul.

T. R. & L. T. *Gen. Capit. Conſtab' de Hundr.* E. *in Com' præd.* M. N.

M. N. & C. T. *Gen' Capit' Conſtabular' de Hundred' O. in Com' præd.*

Nomina Sub-Conſtabular.

J. C. & T. S. *Sub-Conſtabular' de Paroch'* Yardly *in Com' præd.*

E. L. & J. P. *Sub-Conſtabular' de Paroch'* Walkerne *in Com' præd.*

Et ſic de cæteris.

When the Writ of Summons is retornable, and the Juſtices of Peace be convened together to hold the Seſſions, the Under Sheriff attended with his Bayliffs two by two, with their white Wands in their hands, ſhall uſher them from the place of their convention to the Bench: And when the Court is ſet, the Cryer muſt make three Proclamations, and the Clerk of the Peace ſhall cauſe him to ſay after him:

His Majeſties Juſtices of Peace do ſtraitly charge and command all manner of Perſons to keep ſilence, and hear his Majeſties Commiſſion of the Peace openly read, upon pain of Impriſonment.

Then the Clerk of the Peace ſhall read the Commiſſion, and when that is done the Clerk of the Peace ſaith, God ſave the King;

King; and the Cryer muſt repeat the ſame with a loud Voice after him.

Note, that where the Commiſſion of Peace has formerly been publiſhed at any Aſſizes or Quarter-Seſſions held for that County; there the laſt Proclamation, and the Reading of the Commiſſion ſhall be omitted until ſuch time as his Majeſty ſhall iſſue forth a new Commiſſion of the Peace for that County.

Then the Clerk of the Peace ſhall cauſe the Cryer to make three Proclamations, and ſay after him;

All manner of perſons that will ſue or complain, or have any thing here to do at this Court of General Quarter-Seſſions holden here this day, before his Majeſties Juſtices of the Peace for this County of H. *draw near and give your attendance, and you ſhall be heard.*

Stat. 1 E. 6 c. 7. Co. 4 Inſt. 165.

Note alſo, that no Proceſs or Suit before any Juſtices of the Peace, ſhall in any wiſe be diſcontinued by the making or publiſhing of any new Commiſſion, or by altering the Names of any of the ſaid Juſtices; but that the new Juſtices may proceed, as if the old Juſtices had continued not altered.

Then the Clerk of the Peace ſhall cauſe the Cryer to make another Proclamation, and to ſay;

Sheriff

Sheriff of this County of H. *return the Precept, and other Proceſs to you directed and delivered, returnable here this day, that his Majeſties Juſtices of Peace may proceed thereon.*

Then ſhall the Sheriff deliver into Court, his Calendar and Precept for ſummoning the Seſſions.

Then the Clerk of the Peace ſhall cauſe the Cryer to make Proclamation, and to ſay;

All Coroners, Stewards of Leets and Liberties, Conſtables, Petty-Conſtables, and Bayliffs, within this County of H. *anſwer to your Names, every man at the firſt call, and ſave your Fines.*

Then the Clerk of the Peace muſt name them as they be returned in the Calendar, and the Cryer muſt call them after this manner:

E. M. *Gent. one of the Coroners for this County.*

J. L. *Gent. another of the Coroners for this County.*

Et ſic de cæteris, &c.

Note, that if any of theſe Officers do appear as they be called, then the Cryer muſt ſay, *Vous aves* E. M. *&c.* and then the Clerk of the Peace ſhall mark his Appearance.

When

When the Coroners have been called, then the Cryer muſt call the Stewards of Leets and Liberties in the ſame manner as the Coroners were called.

Then the Clerk of the Peace ſhall cauſe the Cryer to call the chief Conſtables after this manner:

A. B. *and* E. M. *chief Conſtables of the Hundred of* O.
A. L. *and* O. Q. *chief Conſtables of the Hundred of* E.
M. W. *and* W. W. *chief Conſtables of the Hundred of* J. &c.

Then the Clerk of the Peace ſhall cauſe the Cryer to call all the Petty Conſtables after this manner:

H. J. *and* W. M. *Petty-Conſtables of the Pariſh of* Y.
G. W. *and* O. H. *Petty-Conſtables of the Pariſh of* J.

And ſo he ſhall call all the Petty-Conſtables of every Pariſh and Hamlet in the County.

Though all the Petty-Conſtables ought to appear at every General Quarter-Seſſions; yet if one Petty-Conſtable of a Pariſh ſhall appear, the Juſtices of the Peace do uſually ſpare the other for the eaſe of the Country; and in thoſe Counties where there be ſeveral perticular Juries of Enquiry for Hundreds and Liberties, the Sheriff doth uſually retorn

torn the Petty-Conſtables upon thoſe Juries for the eaſe of the other Free-holders in the County.

When the Clerk of the Peace hath called over all the Petty-Conſtables, and marked their Appearance; then he ſhall direct the Cryer to call all the Bayliffs of Hundreds and Liberties, as he ſhall name them to him.

A. M. *Bayliff of the Liberty of* E.

E. W. *Bayliff of the Hundred of* J.
And ſo of the reſt.

Note, that againſt the Names of them that do appear, the Clerk of the Peace ſets a mark [†] and if the Juſtices ſet a Fine upon the Defaulters, the ſame is ſet down in the Margin.

When this is done, the Clerk of the Peace, ſhall cauſe the Cryer to make Proclamation, and ſay;

All Juſtices of the Peace, Coroners, Stwards of Leets and Liberties, or others that have any Inquiſitions or Recognizances, whereby you have let any perſons to Bail, or taken any examinations, or other thing ſince the laſt Seſſions, put in your Records thereof, that the King's Juſtices of Peace may procceed thereon.

Then the Clerk of the Peace muſt cauſe the Cryer to make another Proclamation, and ſay:

You

You good men that be returned to enquire for our Soveraign Lord the King, and the Body of this County of H. *anſwer to your Names, every man at the firſt call, and ſave your Fines.*

Then the Clerk of the Peace muſt name the Grand Jury by their ſeveral names and additions in order as they be returned by the Sheriff, and the Cryer muſt call them in ſuch order as the Clerk of the Peace did name them.

And if enough of them dō not appear to make up a Jury, before any of them be ſworn, then muſt the Clerk of the Peace call them over again after this manner:

H. D. Eſq;
N. K. Eſq; *&c.*

The Cryer repeating the ſame after him; and if he do not then appear, then ſhall the Clerk of the Peace call the Bayliff, and ask him who ſummoned H. D. to be here this day, upon this ſervice, and when the Bayliff anſwers, that he did; then the Clerk of the Peace ſhall direct the Cryer to give him the Book, and when he hath laid his right hand upon the ſame, the Clerk of the Peace ſhall ſwear him in this manner:

You ſhall true anſwer make to all ſuch Queſtions as the Court ſhall demand of you, ſo help you God.

Then the Clerk of the Peace ſhall ſay to him

By

By the Oath that you have taken, did you ſummon H. D. *to be here this day upon this ſervice? if he ſhall ſay* yes; *then ask him, when? where? and whether in perſon or not? and what he did ſay? and if his anſwer ſatisfies the Court that the Juſtices do excuſe him,*

Then the Clerk of the Peace ſhall mark him, Spared; and ſo the Clerk of the Peace ſhall ask for every one that did not appear at the firſt call.

No Jury man's Iſſues making default ſhall be ſaved, but by ſpecial order of the Court, grounded upon ſome apparent diſ-ability in Body, or other lawful impediment proved upon the Oath of ſome credible Witneſs, or by the affirmation of ſome Juſtice of the Peace upon his own knowledge.

If there does not appear a full Jury at the ſecond call, then the Sheriff muſt return ſome of the Free-holders of the County that are preſent; and if the Jury be not yet full, or that the Court diſlike any of the Names returned in the Pannel, and command the Sheriff to add, alter, or diminiſh any of them, he ſhall forthwith do the ſame and put in others, according to the direction of the Juſtices; which being done, the Clerk of the Peace ſhall direct the Cryer to call the parties newly returned, in this manner:

Stat. 3 H. 8. ca. 13.

You good men that be newly returned according to the Form of the Statute, anſwer to your names at the firſt call, upon pain and peril that ſhall fall thereon.

Bolton. 6. p. 2.

If the Sheriff hath returned perſons diſcredited in the Law, as by Attainder in Conſpiracy, Attaint, *Decies tantum*, Subornation of Perjury, Concealment, or ſuch like, they be not *Probi*; or perſons outlawed, abjured condemned in a *Præmunire*, or attainted of Treaſon, Felony, or ſuch like, they be not *Legales*, therefore the Juſtices ought to ſet them aſide, for their Preſentments would be meerly void,

Lamb. Eiranar. 400.

Every Jury of Enquiry ought to contain twelve in number at the leaſt; but it is better to have more with an odd man, as ſeventeen, nineteen, or twenty one, that if they ſhould diſſent in Opinion ſomwhat equally, there ſhould be always one to caſt the Ballance of one ſide; but if twelve of them do agree, the reſidue cannot hinder the Preſentment.

If any of theſe Jurors returned, be ſeventy years of age, or have any continual infirmity, or be otherwiſe decrepid; yet he ſhall not be excuſed from appearing, if the Juſtices will exact his ſervice; but he is driven to his Action upon the *Stat.* of *Weſt.* 2. *c.* 38. againſt the Sheriff for his returning of him.

But if he hath a Charter of exemption which hath theſe words in it, *licet tangat nos*, the

the Juſtices ſhall excuſe him, unleſs his exemption be grounded upon a falſe ſuggeſtion, or that it fall out that there want others that be ſufficient to ſerve and fill the number, in in which caſe none are to be ſpared.

When the Grand Jury is full, then the Clerk of the Peace ſhall call the particular Juries for Hundreds and Liberties in the ſame manner as is directed for the Grand Jury; and when they be all full, he ſhall firſt ſwear the Great Inqueſt in this manner, the Fore-man by himſelf laying his Right-Hand the Book:

You as Fore-man of this Grand Inqueſt, for the Body of this County of H. *ſhall diligently enquire, and true preſentment make of all ſuch matters and things as ſhall be given to you in charge; the Counſel of our Soveraign Lord the King, your fellows, and your own, you ſhall keep ſecret; you ſhall not preſent any perſon for Envy, Hatred or Malice; nor conceal any thing of truth for Fear Favour or Affection, Reward, Gain or Hope; but you ſhall in all things to the beſt of your Skill and Knowledge, preſent the truth, the whole truth, and nothing but the truth; ſo help you God.*

When the Fore-man is thus ſworn, the reſt ſhall lay their Right-hands on the Book by three at a time, and be ſworn in this manner.

The ſame Oath which your Fore-man hath taken on his behalf, you and every of you ſhall well and truly obſerve and keep on your parts; ſo help you God.

When every Jury is ſworn, the Clerk of the Peace ought to give a note of their names to the Sheriff, that he may make a Pannel thereof in Parchment.

When all the Grand Jury be thus, then the Clerk of the Peace ſhall direct the Cryer to call the ſeveral particular Juries for Hundreds and Liberties, who upon their full appearance ſhall be ſworn in the ſame manner as the Grand Jury were, with this only difference in the Oath of the Fore-man.

You as Fore-man of this Inqueſt for the Hundred of W. *or the Liberty of* D. *ſhall diligently enquire*, &c. *as in the former Oath.*

When any Jury is ſworn in this manner, the Clerk of the Peace ſhall ſay to the Cryer, count theſe, and as he names them, the Cryer ſhall count them, concluding after the laſt name of every Jury; good men and true, ſtand together and hear your Charge.

The Juſtices may upon cauſe, remove a Juror after he is ſworn, 20 H. 6. 5. and if after the ſwearing of the Jury, their ſervice be put off till the next day upon any urgent occaſion, then may they be ſworn of new, as if they had not before appeared, 7 *H.* 4. 38.

Lam. Eir. 400.

When

When all the Juries be ſworn, The Clerk of the Peace muſt cauſe the Cryer to make Proclamation, and ſay,

His Majeſties Juſtices of the Peace do ſtraitly charge and command all manner of perſons to keep ſilence whilſt the Charge is giving, upon pain of Impriſonment.

Note, that the Commiſſion of the Peace directs that all the Proceedings in the Seſſions be *Secundum Legem & Conſuetudinem* Angliæ, and to this End ſome Statutes require, that men Learned in the Law ſhould be put into the Commiſſion; and the *Cuſtos Rotulorum*, being a perſon generally choſen out of the Nobility for the honour of the Bench, and the Greatneſs of his Truſt, is impowred under his hand in writing, or by word of mouth to aſſign ſome outer Barriſter of one of the four Inns of Court, to give the Charge, to declare the Rules, to direct the Orders, and to pronounce the Judgments of the Court according to the Laws and Cuſtoms of the Realm, and then ſuch perſon ſhall give the Charge.

St. 18 Ed. 3. c. 2.
34 Ed. 4. c. 1.
13 R. 2. c. 7.
St. 37 H. 8. c. 1.

The Form of the Charge to be given at the Quarter-Seſſions of the PEACE.

My Maſters, you that be ſworn upon theſe ſeveral Inqueſts.

SInce the Juſtice of a Kingdom cannot be confin'd within the compaſs of a Crown; for that no one Perſon can poſſibly hear all the complaints of the People, nor no one place can contain the multitude of Suiters; the King has been pleaſed to obſerve that Advice, and to follow that Counſel which *Jethro* gave to his Son-in-law *Moſes*, for the eaſe of Himſelf and his People, and has moſt graciouſly derived ſome particles of his Authority to his Juſtices of the Peace in their ſeveral Counties, thereby to enable and qualifie them to diſpenſe the productions of his Laws to his People; ſo that the ſtreams of Juſtice may be conveied from the Crown to you, by theſe Courts, as through ſo many Conduit-pipes or Quils, even home to your own doors, where you may receive an Addreſs of your Greivances, and reap the Fruits of

Jſtice

Juſtice with ſmall Expence or loſs of time; whenas the People in other Countries travel far to ſeek Juſtice in their fixt and ſettled Courts, as it were at Ciſterns or Fountains.

But ſince the Laws of this Realm have that tender reſpect and that great regard to the Freedom and Liberty of the Subject, that no perſon can be impeach'd in their Lives, or their Fortunes, unleſs twelve of their Neighbours ſhall find good cauſe for the ſame. It behoves all you that be concern'd in this Affair to be ſo careful in the performance of this truſt, that no Offenders may eſcape the ſeverity of the Law; leaſt that thereby you ſhall contract the guilt of their Vices to your own Conſciences, and that they ſhall be encouraged to ſin again; But I ſhall not need to preſs your Oaths and your Duties to you, when I view your perſons, and know you to be men well experienced in this Imploy, and endowed with thoſe Principles of Honeſty and Religion, that you will never undertake, or ſwear to do any thing that you ſhall not really intend to perform, but will rather forfeit the loſs of your Lives than ſuffer a breach of your Oaths: However ſince cuſtom and neceſſity require me to ſay ſomething to you; for that your Oaths do depend upon your Charge, without which you cannot proceed in this Sphere of Juſtice; I ſhall be the more brief in my directions, and reduce your Articles to theſe three Generals.

You ſhall inquire and preſent,

1. Thoſe Delinquentes that offend the health of your Souls, and their offences extend againſt God and his Chuhrch.

2. Thoſe Delinquents that offend the health of your Head, and their offences extend againſt the King and his Government.

3. Thoſe Delinquents that offend the health of your Body, and their offences extend againſt the People and their Quiet.

And I do not doubt your careand diligence herein; for that by the performance of this Duty, you will fear God, honour your King, and love your Neighbour.

'Tis an old, but a very good Rule, *Incipe diem à Deo*; therefore I ſhall begin my Directions with thoſe Offendors that have ſinned againſt God and his Church: For that my Lord *Coke* hath obſerved, that *Nunquam res humanæ, &c.* Temporal matters did never thrive, where the Spiritual things were neglected: Therefore;

'Tis your Duty to enquire and preſent ſuch Offences as do offend God, either in reſpect of his Perſon, or his Church.

1. Offences againſt God in reſpect of his Perſon, as Conjuration, Perjury, *&c.*

Stat. 1 Ja. ca. 12. 1. If any perſon have invocated, entertained, or employed any wicked Spirit, to any

any intent or purpoſe whatſoever, or have uſed any Witch-craft, Charm or Sorcery, whereby any perſon is killed, deſtroyed or lamed, the Offender ſhall ſuffer the pains of death, as a Felon, without Clergy.

If any perſon hath by Witch-craft, Charm or Sorcery, attempted to find out hidden Treaſures, to provoke unlawful love, to hurt any one's perſon, to injure any man's Goods; the Offender ſhall ſuffer Impriſonment for an year, and once a quarter the ſhame of the Pillory for ſix hours, and confeſs his Offence; and for the ſecond Offence, as a Felon, ſhall ſuffer the pains of death without Clergy. Stat. 1 Ja. ca. 10.

2. Perjury, is a crime committed when a legal Oath is tendred by a lawful Magiſtrate, in a judicial proceeding, who ſweareth falſly in a matter material to the Iſſue, either by his own act or the ſubornation of another; the Suborner forfeits forty pounds, the ſuborned twenty pounds; and for want of Goods to the value of forty or twenty pounds, ſhall ſuffer impriſonment for ſix months, and the ſhame of the Pillory. Stat. 5 El. c. 9.

2. Offences againſt the Church.

1. If any perſon have malitiouſly ſtruck, or drawn any Weapon in any Church or Church-yard, to the intent to ſtrike another, the Offender ſhall forfeit one of his Ears, and if he want Ears, he ſhall be ſtigmatized in the right Cheek, by a hot Iron, Stat. 5 & 6 Ed. 6. c. 4.

with the Letter *F.* in token of a Fray-maker, and ſtand *ipſo facto* excommunicated.

2. If any perſon have abſented himſelf from Church, during the time of Divine Service for a month together, the Offender ſhall forfeit twenty pound; or forfeit two parts of his Eſtate to be divided into three parts.

Stat. 23 Eliz. c. 1. St. 3 Ja. c. 4.

3. If any Miniſter have refuſed to read the Book of Common-Prayer, or to adminiſter the Sacrament in his Pariſh Church, or have depraved the Book of Common-Prayer, the Offender ſhall forfeit his Spiritual Promotions for a year, and ſuffer impriſonment for ſix months; and for the ſecond Offence, deprivation and impriſonment for a year; and for the third Offence deprivation and impriſonment for life.

St. 1 El. c. 2.

4. If any perſon hath depraved the Book of Common-Prayer; or compelled any Miniſter to adminiſter the Sacrament in other manner, or to uſe any other form of Worſhip or adoration; the Offender ſhall forfeit 100 marks, and for the ſecond Offence 200 marks, and for the third Offence, all his Goods and Chattels, and impriſonment for life.

Ibid.

5. If any perſon hath depraved the Sacrament of the Body and Blood of our bleſſed Lord and Saviour, either by word of mouth, or otherwiſe; the Offender ſhall ſuffer impriſonment, Fine and Ranſom.

St. 1 Ed. 6. c. 1. St. 1 El. c. 1.

6. If

6. If any perſon hath wilfully ſaid or ſung Maſs; the Offender ſhall forfeit 200 Marks, and ſuffer impriſonment for a year; and if any perſon ſhall willingly hear Maſs, he ſhall forfeit 100 Marks, and ſuffer impriſonmeut for a year. St. 23 El. c. 1.

7. If any perſon hath kept a School who is not licens'd by the Ordinary, or hath retained any ſuch School-maſter to teach his Children in his houſe or elſewhere, ſhall forfeit 40 *s.* a day. St. 1 Ja. c. 4.

8. If any perſon hath brought from the See of *Rome*, any *Agnus Dei*, Croſſes, Pictures, Beads, or the like ſuperſtitious thing into this Realm to be worn or uſed; as well the perſon ſo bringing, as the party receiving the ſame, ſhall be out of the King's protection; his Lands and Tenements, his Goods and Chattels ſhall be forfeited to the King and his body ſhall reman in Priſon during his Majeſties pleaſure. St. 13 El. c. 2. The penalty of a *Præmunire*.

9. If any perſon hath maintained or defended the uſurped Authority of the Biſhop of *Rome*, or his See, within his Majeſties Dominions; the Offender, his ayders and aſſiſtants, ſhall incur the ſame penalty of a *Præmunire*. St. 5 El. c. 1.

2. 'Tis your Duty to inquire and preſent Offences againſt the King; and they extend either to the breach of the publick Peace, or to Offences againſt common Juſtice.

1. Breaches

1. Breaches of the publick Peace, as Felonies or Treſpaſſes.

1. Felonies; as Petty Treaſon, Murder, Man-ſlaughter, Buggery, Rape, Cutting out of Tongues, Burners of Houſes, Burglary, Robbery, Theft, Tranſporters of Sheep, Incorrigible Rogues, Petty Larcenies.

Britt. c. 8. & c. 22. Co. 3 Inſt. 19, 20. &c. 1. Petty Treaſon as it is a Felony, is inquirable in this Court, and is where the Servant hath killed the Maſter, Miſtreſs, or Dame; the Wife her Husband; or the Clerk his Ordinary; the Offender ſhall be drawn and hanged as a Felon.

Ib. 47. 2. Murder is when a perſon of ſound memory, and of the age of diſcretion, hath unlawfully killed any reaſonable Creature, with malice afore thought, either expreſſed by the party, or implyed by the Law.

Ib. 51. Malice forethought is, where a perſon hath killed another with a ſedate mind, and upon ſome conſideration.

Ib. 52. Malice implyed is, where a perſon hath ſuddenly killed another, without any provocation given, or hath ſtabbed a man having no weapon drawn; or killed an Officer in executing his Proceſs; or a Thief hath killed a true man in the defence of his Money or his Goods: *Mackallie*'s Caſe, 9 Report. 61. the Offender ſhall ſuffer the pains of death without Clergy.

St. 1 Ja. c. 8. Co. Inſt. 52.

3. Man-

3. Man-ſlaughter is, where a perſon hath killed another, upon preſent heat or a ſudden paſſion, the Offender ſhall be allowed his Clergy. Co. 3 Inſt. 58.

4. Buggery is, where any perſon hath had carnal knowledge, againſt the Ordinance of the Creator, and order of Nature, with Man-kind or Brute Beaſt, or Woman-kind with Brute Beaſts; the Offender without Clergy ſhall ſuffer death. Ib. 60.

5. Rape is, where any man hath had carnal knowledge of any above the age of Ten years, againſt her will; or of any Woman-Child under the age of Ten years, by or without her Conſent; the Offender without Clergy ſhall ſuffer death. Ib. 66, 67.

6. If any perſon hath malitiouſly burnt the Dwelling-houſe of another, or burnt or deſtroyed any Ricks, or Stacks of Corn, Grain, Hay, Barns, or other houſes or kilns, 'tis Felony; and for burning the Dwelling-houſe, he ſhall ſuffer death; but for any of the other Offences he ſhall die, or be tranſported, at his own Election for 7 years, and if he ſhall return within the time, he ſhall ſuffer death, as if no Election had been. Cr. 3. Rep. 376, 377, St. 22 & 23 Car. 2. c. 7. St. 4 & 5 P. & M. c. 4.

7. Burglary is, where any perſon hath in the night time made any actual breach or entrance into the Dwelling-houſe of another, with a Felonious intent; the Offender ſhall ſuffer the pains of death without Clergy. Co. 3 Inſt. 63.

8. Rob-

Co. 3 Inſt. 68. 8. Robbery is, where any perſon hath violently aſſaulted the perſon of another by putting him in fear, and taking away his Money, the Offender without Clergy ſhall ſuffer death.

Ib. 107. 9. Larceny is, where any perſon hath feloniouſly and fraudulently taken and carryed away the meer perſonal Goods of another, as where any perſon hath privily taken any thing from the perſon of another, as Cut-purſes, Pick-pockets, the Offender without Clergy ſhall ſuffer death.

St. 8 El. ca. 3. Co. 3. Inſt. 104. 10. If any perſon hath tranſported any Sheep alive out of the King's Dominions, they and their Aiders ſhall forfeit all their Goods, and ſuffer impriſonment for a year, and then in ſome open Market ſhall have their left hand cut off, and that ſhall be nailed up in the openeſt place of ſome Market; but the ſecond Offence is Felony, rewarded with the pains of Death.

St. 22 & 23 Car. 2. c. 7. 11. If any perſon hath malitioulſly and willingly maimed or hurt, in the night-time, any horſes, Sheep or other Cattels, he ſhall forfeit treble Damages to the party grieved, but if any of the Cattel have died of ſuch hurt, the Fact is Felony, and the Offender ſhall ſuffer death, or be tranſported for 7 years at his own Election, and if he ſhall return within 7 years, he ſhall ſuffer death as if no ſuch Election had been.

St. 39 El. c. 4. 1 Ja. ca. 7. Co. 3. Inſt. 102. 12. If any dangerous Rogue baniſh'd the Realm, have returned again without Licenſe, 'tis Felony.

13. Pet-

13. Petty Larceny is, where any perſon hath taken and carried away the Goods of another, that do not exceed the value of twelve pence, the Offender ſhall forfeit all his Goods and be whipped. Co. 3 Inſt. 109.

2. Treſpaſſes againſt the Peace; as Aſſaults, Batteries, Bloodſheds, Maihems, Forcible Entries, Forcible deteiners, unlawful Aſſemblies, Riots, Routs.

1. Aſſault is, where any perſon hath held up his hand againſt another, threatninig him to ſtrike him, the Offender ſhall be fined and impriſoned, at the diſcretion of the Court. Lam. Eir. 119.

2. Battery is, where any perſon hath violently ſtruck another, contrary to the Law, the Offender ſhall be fined and impriſoned at the diſcretion of the Court. Pult. de *Pace Regis.*

3. Bloodſhed is, where upon any ſuch Battery Blood hath been ſhed, the Offender ſhall ſuffer the ſame Puniſhment.

4. Maihem is, where any perſon hath maimed another of any Member, whereby he is leſs able to fight; as put out his Eye, beat out his fore-teeth, break his skull, ſtrike off his Arm, Hand or Finger, or cut off his Legg or Foot, the Offender ſhall pay a Fine, and be impriſoned at the diſcretion of the Court; But if any perſon hath malitiouſly cut out the Tongue, put out the Eye ſlit or cut off the Noſe, or diſabled any Member of another, with intent to diſfigure Co. 1 Inſt. 288. St. 22 & 23 Car. 2. c. 1. St. 5 H. 4. c. 5. Co. 3 Inſt. 62.

gure him, that Fact is Felony without Clergy, and the Offender ſhall ſuffer the pains of death.

Bolt. 129. 5. A Forcible Entry is, where one or more perſons, with Weapons not uſually born, have violently entred into the Houſe or Land of another, or where one or more have entred peaceably, the door being open, and then have forcibly put out another out of his Poſſeſſion.

St. 5 R. 2. c. 7. 15 R. 2. c. 2. 8 H. 6. c. 9. 6. A Forcible Deteiner is, where one or more perſons have entred peaceably into the Houſe or Land of another, and then have deteined the Poſſeſſion thereof with Force and Arms, in theſe caſes the Offender ſhall ſuffer Impriſonment, Fine and Ranſom, and reſtiſtution of Poſſeſſion.

Co. 3 Inſt. 176. 7. An unlawful Aſſembly is, where three perſons or more have met together to do an unlawful Act, as to commit a Rout or Riot, and part without doing the ſame.

Lamb. Eir. 165. 8. A Rout is, where three perſons or more have met together to do an unlawful Act, as to commit a Riot, and move from the place where they firſt met, but afterwards part without doing the Act.

Lamb. Eir. 166. St. H. 5. c. 8. 9. A Riot is, where three perſons or more have met together to do an unlawful Act, as to beat a man, or lay open his Fences, and have done the ſame, the Offender in caſe of a heinous Rout or Riot, the ſhall pay a great Fine and ſuffer a years impriſonment, but Petty Rioters ſhall be impriſoned without Bail, at diſcretion.

2. Next

2. Next follow Offences againſt common Juſtice, which extends,

1. To Offences in general.
2. Offences committed by Officers intruſted with the particular Adminiſtration of Juſtice.
3. To the Diſorders 'twixt Maſters and Servants.

1. Offences in general, as Perſons not burying in Woollen, Libellers, Barretors, Maintainers, Extortioners, Frauds and Deceits.

1. If any perſon hath buried any Corps, in any other thing than Wollen only, or lined any Coffin with any other thing than what has been made only of Sheeps Wool, the Offender ſhall forfeit Five pounds. St. 30 Car. 2.

2. If any perſon hath made Libels, or raiſed Scandals upon Magiſtates and Miniſters of Juſtice, they ſhall be fined and impriſoned, and bound to their good Behaviour.

3. Barretry is, where any perſon hath commonly moved, incited, or ſtirred up any Suits, or Quarrel, between Neighbour and Neighbour. Co. 1 Inſt. 368.

4. Maintenance is, where any perſon hath maintained, or taken in hand any ſides or Quarrels againſt common Right, and to the hindrance of Common Juſtice, the Offender ſhall pay a Fine of Ten pounds, and ſuffer impriſonment. St. 32 H. 8. c. 9.

5. Ex-

Co. 1 Inſt. 368. b. 5. Extortion is, where any Officer hath arreſted, or unlawfully taken by colour of his Office, any money or valuable thing, of any perſon, that is not due, or more than is due, or before it be due, in all theſe caſes the Offender ſhall be fined and impriſoned.

Co. 3 Inſt. 133. Sr. 33 H. 8. c. 1. 6. Frauds and Deceits, as if any perſon hath falſly and deceitfully got into his hands any Money, Goods, Chattels, Jewels, or other things of any perſon, by any falſe token, or counterfeit Letters in any other mans name, he ſhall ſuffer any corporal puniſhment, not extending to death: or Coopers that have made Veſſels for Bear or Ale, of unſeaſonable Timber, ſhall ſuffer Fine and Impriſonment: or Millers that have taken exceſſive Toll by the Heap, ſhall ſuffer Fine and Impriſonment: Bakers that have broke the Aſſize, for the three firſt Offences ſhall be amerced; and for the fourth ſhall ſtand in the Pillory: but if the Baker be a Woman, then in the Tumbrel.

St. 3 Ed. 1. 51 H. 3.

If any perſon hath ſold or expoſed to ſale any manner of unwholſom or corrupt Meat or Drink; or if any Artificers, as Tanners, Shoe-makers, Clothers, Dyers, or any other Tradeſmen, have uſed their Trade, or made their Manufactures deceitfully, they ſhall pay their ſeveral Fine and ſuffer Impriſonment.

2. Officers intruſted with the particular adminiſtration of Juſtice that have neglected

cted their duties, as Conſtables, Borſholders, Tithing-men, Overſeers of the Poor, Surveyors of the High-ways.

1. Conſtables, Borſholders, and Tithing-men, whoſe duty is the ſame, though they have diſtinct names, according to the cuſtom of the place, and if any of them have refuſed to keep the publick Peace of our Soveraign Lord the King, or have not duly kept Watch and Ward, or have not apprehended all ſuſpected perſons, and Night-walkers; all Rogues, Vagrants and Vagabonds, that they have known have paſſed thorow their Precincts; or have not ſpeedily purſued all Thieves and Murtherers upon Hue and Cry; or have not monthly ſeacrhed Ale-houſes, and places of Gaming and Bawdry; or have not upon Warrant from two Juſtices of Peace, ſeized all ſetting Dogs, Nets, or other Engines, kept by perſons not qualified, for the deſtruction of the Game; or have not well and duly returned all Precepts and Warrants to them directed from any Juſtices of the Peace; or have neglected any other thing incident to their Office, the Offender ſhall pay a Fine, and ſuffer Impriſonment. And if any perſon hath refuſed to aid the Conſtable upon his ſearch for Traytors, Felons or other ſuſpected perſons, or to convey Priſoners before a Juſtice of Peace or to the Goal, or hath refuſed to watch when required by the Conſtable, he ſhall pay a Fine and ſuffer Impriſonment. Lamb. duties of Conſt. 10 St. Winch. 13 Ed. 1. c. 4. 5 H. 4. c. 3. St. Winch. c. 1. St. 33 H. 8. c. 9. St. 7 Ja. c. 11.

St. 43 El. c. 2. 2. Overſeers of the Poor, that have not monthly met together to confer about their charge, that have not weekly relieved the Impotent, that have not provided a Common ſtock, and ſet their Poor at work, that have ſuffered their Poor to beg abroad, or to crave relief of their Neighbours at home.

St. 2 & 3 P. & M. c. 8. 5 El. 13. St. 14 Car. 2. c. 6. St. 22 Car. 2 c. 12. 3. Surveyors of the High-ways, that have not appointed ſix days to amend the High-ways, that have not attended at the times appointed to direct the work, that have not preſented the Defaulters to ſome Juſtice of Peace, that have not viewed the High-ways and Ditches; and amended all the Defaults within their ſeveral Precincts, they ſhall forfeit Forty ſhillings.

3. Diſorders betwixt Maſters and Servants.

St. 5 El. c. 4. If any Maſter hath put away his ſervant before the end of his term, or at the end of his term, without a quarters warning given, he ſhall forfeit Forty ſhillings. Or if any

Ibid. Maſter hath given greater Wages than aſſeſſed at the Seſſions, he ſhall forfeit Five pound.

Ib. If any Servant hath refuſed to ſerve for the Wages aſſeſſed at the Seſſions, or if any Servant at the end of his term hath departed from their ſervice without a quarters warning given before two Witneſſes, he ſhall ſuffer Impriſonment until the Servant ſhall be bound

bound to his Maſter to ſerve and continue for ſuch Wages.

If any perſon hath taken work by the Great, and left the ſame before it be finiſh't; he ſhall ſuffer Impriſonment for a Month, and forfeit Five pound to the Party grieved: Or if any perſon retained in ſervice to work, hath departed without Licenſe, he ſhall ſuffer one month's Impriſonment. Ib.

If any perſon hath uſed any Art or Myſtery, or ſet any other to work therein, having not ſerved an Apprenticeſhip to the ſame, he ſhall forfeit Forty ſhillings for every month he ſhall uſe the ſame Art or Myſtery. Ib.

3. You ſhall inquire, and preſent Offences againſt the Country, which do extend to the Abatement of the general Plenty, or to the Annoyance of the Country.

1. Thoſe Delinquents that hinder the Plenty of the Country, be Foreſtallers, Ingroſſers, Regrators, Deſtroyers of the Game, and diſorder'd Victuallers.

1. A Fore-ſtaller is, where any Perſon hath bought any Merchandize, Victual, or other thing, coming to any Fair or Market to be ſold, or hath inhaunced the price, or diſſwaded the bringing to Market. St. 6 E. 6. c. 14.

Ib. 2. An Ingroſſer is, he that hath bought Corn, Grain, or other Proviſion of Victual, with intent to ſell the ſame again.

b. 3. A Regrator is, a perſon that hath bought or ſold in the ſame Market, or in any other Fair or Maket, within Four miles, the Offender for any of theſe Offences ſhall forfeit the Value of the Goods, and ſuffer two months Impriſonment. And for the ſecond Offence, the penalty ſhall be doubled. And for the third Offence ſhall forfeit all his Goods, ſtand in the Pillory, and ſuffer Impriſonment at the King's pleaſure.

St. 5 El. c. 12. If any perſon hath bought any Corn or Grain, out of any Fair or Market, to ſell again without Licenſe, he ſhall forfeit Five pound, one moiety to the King, the other to the Informer.

4. Deſtroyers of the Game. If any perſons have taken Pheaſants or Partridges with Engines in anothers ground without Licenſe, he ſhall forfeit Ten pound to the owner and proſecutor.

St. 11 H. 7. c. 17.

St. 1 Ja. c. 27. If any perſon hath killed or deſtroyed any Partridge, Pheaſant, Pidgeon, Mallard, Duck, Teal, Wigeon, Gooſe, Heath-Cock, or other ſuch like Fowl, or the Eggs of any Pheaſant, Partridge, or Swan; or traced any Hares in the Snow, he ſhall ſuffer Impriſonment for three Months, unleſs he ſhall immediatly pay for every ſuch Fowl or Egg ſo deſtroyed Twenty ſhillings to the Poor; or after one months Commitment, ſhall be bound with two ſufficient Sureties in Twen-

ty

ty pound apeice, with condition never to offend in like kind again.

If any perſon not qualified by the Law be convicted of keeping any Greyhound, Setting Dogg or Net, ſhall ſuffer Impriſonment for Three Months, unleſs he immediately pay to the Poor Forty ſhillings.

5. Deſtroyers of Fiſh. If any perſon hath uſed any Nets to deſtroy the Spawn or Fry of Fiſh; or hath taken any Fiſh with unlawful Nets, the Offender ſhall forfeit Twenty ſhillings, and the Fiſh ſo taken, and the unlawful Nets: And if any Jury-man hath concealed any ſuch Offence, he ſhall forfeit Twenty ſhillings. St. 1 El. c 17.

If any perſon hath broke down any Pond-head, or fiſhed there without the owners Licenſe, he ſhall ſuffer Six months impriſonment, and be bound to the Good Behaviour for Seven years. St. 5 El. c. 21.

6. Diſordered Victuallers. If any Butchers, Brewes, Bakers, Poultlerers, Cooks or Fruiterers, have agreed to ſell their Victual at certain prizes, the Offender ſhall forfeit Ten pound; and if not paid within Six days, ſhall ſuffer Twenty days Impriſonment, with the allowance only of Bread and Water; and for the ſecond Offence Twenty poud; and if not paid within Six days, ſhall ſuffer the ſhame of the Pillory; and for the third Offence ſhall forfeit Forty pound; and if not paid within Six days, he ſhall looſe one of his Ears in the Pillory, and be infamous. St. 2 & 3. E. 6. c. 15.

St. 31 E. 1. c. 7. If any Butcher hath ſold any mezeled Swines-fleſh, or dead of the Murrain, he ſhall be amerced; for the ſecond Offence be ſet in the Pillory; for the third Offence be impriſoned and fined; and for the fourth Offence ſhall abjure the Town.

St. 15. Car. 2. c. 8. If any Butcher hath ſold any fat Cattle alive, he ſhall forfeit double the value

2. Annoyances, as Common Scolds, Diſorderly Ale-houſe-keepers, Cottagers, Receivers of Inmates, the Defaults of High-ways and Bridges, and the permiſſion of Rogues and Vagabonds.

1 Common Scolds that have diſturbed the Peace and Quiet of their Husbands or Neighbours, ſhall be put on the Cocking-ſtool.

2. Diſorders in Ale-houſes, as Ale-houſe-keepers that have ſuffered common Bawdery, common Gaming, common Drunkards, or other miſorder in their Houſes, ſhall pay a Fine, ſuffer Impriſonment, and be bound to the Good Behaviour.

St. 31 El. c. 7. 3. Unlawful Cottagers. If any Perſon hath erected a Cottage, not laying four Acres of Free-hold Land to the ſame, the Offender ſhall forfeit Ten pound, and for every month that he hath continued ſuch Cottage, he ſhall forfeit Forty ſhillings.

Ib. 4. Receivers of Inmates. If any perſon hath received into any ſuch Cottage, any poor

poor perſon, or more Families than one to inhabit therein, he ſhall for every month forfeit Ten ſhillings.

5. The defaults of High-ways. If any perſon having a Team or a plough Land in Arrable or Paſture, hath refuſed to ſend Two able men with a Team and Tools convenient, to work Eight hours upon every day appointed by the Surveyors, he ſhall forfeit Ten ſhillings for every days default, and every Labourer Eighteen Pence. St. 2 & 3 P & M c. 8. 14 Car. 2. c. 6.

If any perſon hath refuſed to ſcour his Ditches, or to keep low his Hedges, Trees and Buſhes, he ſhall forfeit for every ſuch default Ten ſhillings. St. 18 El. c. 20.

If any perſon hath not ſcoured his Ditches in the ground next adjoyning to the ground near the High-way, to the end the Water may have the better paſſage, he ſhall forfeit Twelve pence for every Pole left unſcoured. Ib.

If any perſon hath caſt the ſcouring of his Ditch into the High-way, and ſuffered it to lye there Six Months, he ſhall forfeit Twelve pence for every load: All theſe penalties to be imployed towards the repair of the High-ways. Ib.

If any perſon ſhall lay any Straw or Dung in the Sreets or High-ways, or have taken in or ſtreightned any part of your High-ways, the Offender ſhall pay a Fine and ſuffer Impriſonment.

St. 14 Car. 2. c. 6. 22 Car. 2. c. 12. If any travelling Waggon, or Carriage, loaded with above 2000 weight in Winter, and 3000 in Summer, or with more than 5 Quarters of Wheat, Meal, Meſline, Rye, Peaſe, Beans and Tares, or 8 Quarters of Barley, Mault or Oates, have been drawn in any High-way, or with above Five Horſe-beaſts at length, the Offender ſhall forfeit Forty Shillings.

St. 22. H. 8. ca. 5. If any Bridges, or the High-ways within 300 foot next the Bridges be out of repair, the parties that ought to repair them ſhall be fined.

St. 1 Ja. c. 7. 6. Rogues and Vagabonds. If any perſon hath ſeen a Rogue beg, and did not convey him to the next Conſtable, he ſhall forfeit Ten Shillings. And if the Conſtable hath not puniſh'd him according to the Statute, he ſhall forfeit Twenty Shillings.

Laſtly, You ſhall inquire and preſent all other things that you know be within the compaſs of your enquiry, and the Juriſdiction of this Court; and ſo I diſmiſs you to your Buſineſs.

Note, that Offences puniſhable before Juſtices of Peace, in other manner than by Indictment, are omitted out of this Charge, in regard that the length thereof would then have exceeded the uſual time, and that they would have burthened the Jurors, neither is it neceſſary to repeat them here, when

when the Statutes have directed another way of proceeding in thoſe caſes, as by Examination, &c.

During the time of giving the Charge the Clerk of the Peace ſhall fairly write the names of all the ſeveral Juries, in ſeveral Papers, and after the charge is ended, ſhall deliver them to the Foremen of every Jury, to the end that they may know and keep their fellows together.

When the Charge is given, the Court ſhall direct a Bayliff to attend the Grand Jury; but the Juſtices may not commit theſe Jurors of Enquiry to any keeper, nor keep them without Meat or Drink, or carry them out of Town; yet they may adjorn them to another place to give their Verdict. Lamb. 400.

If any perſon ſhall bear any Office civil or military, or ſhall receive any Pay, Sallary, Fee, or Wages, by any Patent or Grant from his Majeſty, or any of his Predeceſſors or ſhall be in the ſervice of the King or the Duke of *York*, and ſhall have received the Sacrament of the Lord's Supper in ſome publick Church upon ſome Lord's Day immediatly after Divine Service and Sermon, within three Months next after admittance into any of the ſaid reſpective Offices or Imployments, and the Miniſter and Church-Warden of every Pariſh where he received the ſame, ſhall make a Certificate thereof under their hands, with an *Affidavit* thereunto St. 25 Car. 2. c. 2.

unto annexed, of the truth thereof, ſubſcribed under the hands of two Witneſſes; he ſhall then deliver the Certificate and the Affidavit into Court, both of them fairly ingroſſed in Parchment, after this manner.

We G. M. *Vicar of the Pariſh of* Y. *in the County of* Hertford, *and* M. K. *Church-Warden of the ſame Pariſh, do certifie that* D. G. *one of his Majeſties Juſtices of Peace for the ſaid County, upon the Lord's Day, commonly called Sunday, the* 4th. *of this inſtant* October, *immediately after Divine Service and Sermon, did in the Pariſh-church aforeſaid, receive the Sacrament of the Lord's Supper, according to the uſage of the Church of* England. *In witneſs whereof, we have hereunto ſubſcribed our Hands and Seals, this Fifth Day of* October, *in the year of our Lord God,* 1674.

G. M. *Vicar of the Pariſh and Pariſh-church of* Y.

M. K. *Church-Warden of the ſame Pariſh and Pariſh-church.*

The

The Form of the OATH.

E. M. *of* Y. *in the ſaid County of* H. *Gent. and* L. S. *of* H. *in the ſaid County of* H. *Gent. do ſeverally make Oath, that they do know* D. G. *in the above-written Certificate named, and who now preſent hath delivered the ſame in the Court; and do farther ſeverally make Oath that they did ſee the ſaid* D. G. *receive the Sacrament of the Lord's Supper in the Pariſh-church of* Y. *in the ſaid Certificate mentioned, and upon the day, and at the time in the ſaid Certificate in that behalf certified and expreſſed, and that they did ſee the Certificate above-written ſubſcribed by the ſaid* G. M. *Vicar of the ſaid Pariſh and Pariſh-church, and* M. K. *Church-warden of the ſaid Pariſh and Pariſh-church in the ſaid Certificate mentioned; And farther, the ſaid* E. M. *and* L. S. *do ſay upon their reſpective Oaths, that all other matters or things in the ſaid Certificate recited, mentioned or expreſſed, are true as they verily believe.*

E. M.

L. S.

Then

Then the Clerk of the Peace ſhall read the Certificate in the Court; which done, the Clerk of the Peace ſhall cauſe the Witneſſes, whoſe names are ſubſcribed to this Affidavit, to lay their hands upon the Book, and then ſhall give them this Oath.

You ſhall true anſwer make to all ſuch Queſtions as the Court ſhall demand of you; ſo help you God.

Then the Court ſhall ask them, whether they do know *D. G.* named in the Certificate? whether, when and where they did ſee him receive the Sacrament of the Lord's Supper? and whether they did ſee the Miniſter and Church-Warden ſubſcribe the Certificate? and whether all the things contained in the Affidavit be true?

Then the Clerk of the Peace ſhall cauſe the ſaid *D. G.* to lay his hand upon the Book, and give him the Oaths of Allegiance and Supremacy.

Then the ſaid *D.* G. ſhall make and ſubſcribe this Declaration following.

I D. G. *do declare, that I do believe that there is not any Tranſubſtantiation in the Sacrament of the Lord's Supper, or in the Elements of the Bread and Wine at or after the Conſecration thereof by any perſon whatſoever.*

D. G.

Which

Which Oaths, Declaration and Subſcription ſhall be fairly engroſſed in Parchment and kept among the Records of the Quarter-Seſſions.

Then muſt the Clerk of the Peace direct the Cryer to make another Proclamation, and ſay,

All manner of perſons that be bound over by Recognizance, to proſecute and prefer any Bill of Indictment againſt any Priſoners in the Goal of this County or others, before his Majeſties Juſties of Peace, let them come forth and proſecute, or elſe they ſhall forfeit their Recognizances.

Then ſhall the Clerk of the Peace cauſe the Cryer to call the parties, who are bound by Recognizance to proſecute, that they may give their Inſtructions to the Clerk of the Peace to draw their Bills againſt the Priſoners and other Malefactors.

Note, that the Clerk of the Peace or other Officer in Court ſhall uſually draw and engroſs the Bills of Indictment, and the Juſtices of Peace *Ex officio*, ought to take care that they have ſufficient matter and form in them; but Mr. *Lamb.* adviſes that they do rather peruſe the Bill after the Evidence ſhall be thereupon given to the Jury, than to put their Pens unto them before the Enqueſt ſhall be informed. Lam. 485.

When the Bill is drawn, and fairly ingroſſed in Parchment, the Clerk of the Peace ſhall write the names of the Proſecutors

tors and the Witneſſes on the back of the Bill, and then ſhall cauſe them to lay their hands on a Bible, and ſwear them in this manner.

The Evidence which you ſhall give to the Grand Inqueſt againſt A. E. *upon this Indictment, ſhall be the truth, the whole truth, and nothing but the truth, ſo help you God.*

Which done, the Clerk of the Peace ſhall write on the back of the Bill, at the end of the names of the Proſecutor and the Witneſſes, *Jur. in Cur.* and then ſhall ſend them with the Bill by a Bayliff, who ſhall attend them with his white Wand to the Grand Jury, to whom he ſhall deliver the Bill, and leave the Proſecutor and the Witneſſes with the Grand Jury, and he himſelf ſhall withdraw.

Then the Proſecutor and the Witneſſes ſhall give their Evidence to the Grand Inqueſt; and if upon the Evidence the Grand Jury ſhall have good cauſe to find the Bill they ſhall write on the back thereof *Billa vera*; but if they ſhall have no colour to find the Bill, then they ſhall write on the back thereof *Ignoramus*.

St. 43. Eli. c. 3. Then the Clerk of the Peace ſhall diſtinctly read, with an audible voice in open Court, all ſuch Statutes that be now in force, and appointed to be publickly read or proclaimed at the General Quarter-Seſſions, as the Stat. of 4 *H.* 7. *ca.* 12. 33 *H.* 8. *ca.* 9. *&c.* Note,

Note, that the Treaſurer for the releif of Goals, ſhall be choſen at Eaſter Quarter-Seſſions by the greater part of the Juſtices of Peace, to be of 5*l. in Lands, or* 10*l. in Goods in the laſt Subſidy, to continue for one year, and then ſhall give up his account at the next Eaſter Seſſions to his Succeſſor.*

Note, that in *Eaſter* Seſſions, the Wages of Servants and Labourers ſhall be aſſeſſed in open Court, and the ſame ſhall be forthwith engroſſed in Parchment, and ſigned under the Hands and Seals of the Juſtices, and delivered to the Sheriff to proclaim the ſame in ſo many places of the County, as to the Juſtices ſhall ſeem convenient, *Stat.* 5 *Eliz. ca.* 4. 1 *Ja. ca.* 6.

Then the Prices of Soap, Ale and Beer, ſhall be ſet and recorded, *Stat.* 23 *H.* 8. *ca.* 4.

Then every Pariſh ſhall be rated towards the relief of Hoſpitals, *Kings-Bench*, and *Marſhalſea*, and Alms-houſes in the County *Stat.* 43. *Eliz. ca.* 2. Alſo towards the relief of poor Souldiers and Mariners, *&c. Stat.* 43. *Eliz. ca.* 3. Alſo towards the relief of Priſoners in the common Goal, *Stat.* 14 *Eliz: ca.* 5.

In the Quarter-Seſſions held in the week after the Feaſt of St. *Michael*, the Court ſhall appoint Seachers for Braſs and Pewter, *Stat.* 19 *H.* 7. *ca.* 6. Alſo ſhall nominate two Juſtices of the Peace to take a view

view of the Sheriff's books. *Stat.* 11 *H.* 7. *ca.* 15. And ſhall appoint Searchers of Tiles *Stat.* 17 *E.* 4. *ca.* 4.

If the Forenoon be ſpent, the Court ſhall command the Cryer to make Proclamation, and to adjorn in this manner.

All manner of perſons that have any thing more to do at this Court of General Quarter-Seſſions of the Peace, holden before his Majeſties Juſtices of Peace for this County of Hertford, *may take their eaſe at preſent, and keep their hour again at two of the Clock in the Afternoon, God ſave the King.*

Then the Court riſing, the Under-Sheriff and his Bayliffs, two by two with their white Wands in their hands ſhall uſher the Juſtices from the Court to the place where they ſhall dine; and in the mean while the Clerk of the Peace ſhall file all his Recognizances delivered to him in Court, ſuch as be to proſecute againſt Offenders upon one File, and ſuch as are for the Appearance of Offenders, called Bails, upon another File, and all Examinations taken before Juſtices of the Peace, and all other Papers concerning the ſame upon a third File; and then ſhall make a little note for the more ready finding of them by figures.

When the Court is ſet in the Afternoon, the Cryer ſhall make Proclamation, and ſay,

All

All Manner of Perſons that were adjourned over to this Hour, and have any thing more to do at this Court of General Quarter-Seſſions, holden before his Majeſty's Juſtices of the Peace, for this County of H. *draw near, and give your attendance. God ſave the King.*

Then the Clerk of the Peace ſhall cauſe the Cryer to call the chief Conſtables in this manner;

All chief Conſtable of Hundreds within this County of H. *draw near, and give your attendance.*

A. B. *and* C. D. *Gent. chief Conſtables of the Hundred of* O. *in this County, have you your Preſentments ready?*

And if they anſwer, yes; then he tells them, they muſt deliver them into Court.

That done, the Clerk of the Peace ſhall cauſe them to lay their Right Hands upon the Book, and ſhall give them this Oath.

You ſhall true Preſentment make to the Grand Inqueſt, of all Offences and Miſdemeanours committed or done within your Hundred, and are in any wiſe come to your knowledge, and belong to you now to preſent without Concealment: ſo help you God.

Then the Petty Conſtables of every Pariſh ſhall be called, and ſworn in the ſame

manner as the chief Conſtables are; but where the cuſtom is, that the Petty Conſtables are ſworn upon the particular Juries of Enquiry for Hundreds and Liberties, this Oath to them may be omitted.

Then the Court ſhall ſend a Bayliff for the Grand Jury, who when they appear, the Clerk of the Peace ſhall call them by their names, and all anſwering thereto, he ſhall demand of them, if they be all agreed on any Bills? If they anſwer, yea; then he ſhall ſpeak to them to deliver the ſame into Court, which they ſhall immediatly do, by the hands of their Fore-man; and upon the receipt of them, the Clerk of the Peace ſhall read them over in open Court, and then ſhall ſay to them:

You are content the Court ſhall amend Form, and falſe Latin, altering no matter of ſubſtance.

Then the Grand Jury ſhall ſay, yea; and ſo they go together again.

Then the Clerk of the Peace, or the Cryer, ſhall bid the Bayliffs make way for the Gentlemen of the Grand Inqueſt.

Then ſhall the Clerk of the Peace croſs all thoſe Bills, upon which the Grand Jury have indorſed *Ignoramus*, with their Pen; and files them apart by them ſelves; and then files up the Bills which are found true, upon another File, with the Calendar and Precept for ſummoning the Seſſions, formerly returned to the Sheriff; that being

ing orderly done, and the Goaler having brought the Priſoners into the Hall, the Clerk of the Peace ſhall direct the Cryer to make Proclamation, and ſay after him, thus;

His Majeſty's Juſtices of the Peace, do ſtraitly charge and command all manner of Perſons to keep ſilence; for now they will proceed to the Pleas of the Crown, and to the Arraignment and Trial of the Priſoners, and all Perſons that are bound by Recognizance to give Evidence againſt any of the Priſoners that ſhall be at the Bar, draw near, and give your Evidence, upon pain of forfeiting your Recognizances.

Note, that if any Grand Felons be committed to the Goal to be delivered at the Quarter-Seſſions to be held for the County of *H.* then the Court ſhall proceed to the Tryal of them, after the ſame manner and form as before the Juſtices of *Oyer* and *Terminer*, and general Goal-delivery: but all Juſtices of Peace ought to be careful, to commit all ſuch Priſoners to be delivered at the general Goal-delivery, and to bind over the Proſecutors and Witneſſes, to appear there, and preſer their Bills of Indictment againſt them; for that this is the proper work and buſineſs of his Majeſty's Juſticesof Aſſize and general Goal delivery; therefore this Court doth more uſually begin with petty Larcenies.

The form of trying a grand Larceny is here omitted.

Then ſhall the Clerk of the Peace begin with his firſt Indictment upon the File in order, and ſhall bid the Goaler to ſet the priſoner named in that Indictment to the Bar, but if he be bail'd and not in the Goal; the Clerk of the Peace ſhall cauſe the Cryer to call him in this manner:

A. L. *of the Pariſh of* M. *in this County, Labourer; come forth, ſave thee and thy Bail, or elſe thou forfeiteſt thy Recognizance.*

If he appear not, then the Clerk of the Peace ſhall call the Sureties in this manner.

M. A. *and* L. V. *with their Additions, bring forth* A. L. *whom you undertook to have here this day, or elſe you forfeit your Recognizances.*

If he appears not, then the Clerk of the Peace paſſeth by that Indictment, and calleth to the Goaler to ſet forth the priſoner named in the next Indictment; and when he is at the Bar, the Clerk of the Peace ſhall ſay unto him as followeth.

J. Stiles, *hold up thy Hand. Thou ſtandeſt here indicted by the name of* J. S. *of* &c. *Labourer; for thou,* &c. *as in the Indictment,* &c. *and at the cloſe of the Indictment he further ſaith, What ſayeſt Thou? art Thou Guilty of this Felony*

lony whereof thou ſtandeſt indicted, or not Guilty?

If the priſoner ſay Guilty, then the Clerk of the Peace ſhall write over his name in the Indictment, *Cogn.* and ſo he ſhall be ſet by until the time ſhall come of giving Judgment.

But if he ſay Not Guilty; then the Clerk of the Peace ſhall ask him:

How wilt thou be tryed?

If he ſay by God and the Country, then the Clerk of the Peace ſhall ſay,

God ſend thee a good deliverance.

And then ſhall write over his name in the Indictment, *Po. ſe.* and ſo ſhall proceed to the next, until there be as many arraigned as may well be charged upon the petty Jury at once.

If any priſoner upon an Indictment of Felony or petty Larceny ſhall refuſe to hold up his hand at the Bar; yet when it is apparent to the Court that he is the party indicted, the Court may proceed againſt him, as if he had held up his hand at the Bar: For the only uſe of it is, to ſhew the Court who the priſoner is.

But if any priſoner upon his Arraignment for petty Larceny, ſhall refuſe to plead, or to be tryed by his Country, or will plead ſuch matter as ſhall be no direct anſwer to his Indictment, then the Clerk of the Peace

ſhall write over his name in the Indictment, *Stat mutè*; but he ſhall not be put to his pennance, as in caſe of grand Larceny; for that the *Stat.* of *Weſtm.* 1. *ca.* 12. extends not to petit Larcenies, but Judgment ſhall be entred againſt him by *Nihil dicit.* And it is alſo the courſe to enter Judgment by *Nihil dicit*, in caſe of a *Præmunire*: For otherwiſe, by the parties contempt, the King ſhould looſe the forfeiture of his Goods, in caſe of Petty Larceny; and Lands and Goods in caſe of a *Præmunire.*

Co. 2 Inſt. 177.

When ſo many priſoners are arraigned as may be conveniently tryed by a petty Jury at one time; then muſt the Clerk of the Peace call to the Sheriff, to return a Jury to try the priſoners; and then know of the *Cuſtos Rotulorum* or his Deputy, how many he will have tryed by that Jury.

Then the Sheriff ſhall forthwith return ſome Free-Holders of the ſame County who be preſent in Court, to try the priſoners, and ingroſs their names in a pannel in Parchment; for that Juſtices of Peace may enquire and try criminal cauſes, in one and the ſame day; for that they be ſpecial Juſtices of *Oyer* and *Terminer.*

Co. 4 Inſt. 164.

You good men that be returned to enquire between our Soveraign Lord the King, and the priſoners at the Bar, anſwer to your names, every man at the firſt call, upon pain and peril that ſhall fall thereon.

Then

Then he ſhall call them in order, every man by his name, and when there is a full appearance, then the Clerk of the Peace ſhall ſay to the Goaler:

Set J. S. *and* J. O. *to the Bar.*

Then he ſhall ſay to the priſoners.

You the priſoners at the Bar, Hear what is ſaid unto you.

Theſe good men which were laſt called, and do now appear, are thoſe which ſhall paſs between our Soveraign Lord the King and you, upon your ſeveral Tryals: If therefore you, or any of you will challenge them, or any of them, you muſt challenge them as they to come the Book before they be ſworn, and you ſhall be heard.

Then ſhall the Clerk of the Peace cauſe the Cryer to make Proclamation, and ſay;

If any Perſon can inform his Majeſty's Juſtices of Peace, the Kings Serjeant, the King's Attorney, or this Inqueſt now to be taken between our Soveriagn Lord the King, and the priſoners at the Bar, of any Felony or other Miſdemeanour committed or done by the priſoners at the Bar, or any of them, let them come forth and they ſhall be heard; For the priſoners ſtand at the Bar upon their deliverance; And all others that are bound by Recognizance to give any Evidence againſt any of the priſoners that are at the Bar, let them come forth and give their Evidence, or elſe they forfeit their Recognizance.

Then the Clerk of the Peace ſhall call over the Jury, and charging every of them ſeverally by his name to look upon the Priſoner, and to lay his right Hand upon the Book, ſhall ſwear him as followeth;

You ſhall well and truly try, and true deliverance make, between our Soveraign Lord the King, and the priſoners at the Bar, whom you have in charge, and a true Verdict ſhall give, according to your Evidence: ſo help you God.

When they be all thus ſeverally ſworn one after another, then the Clerk of the Peace ſhall bid the Cryer count them as he ſhall read their names; and this being done, he ſhall ask if they be all ſworn; If they ſay, yea; then he ſhall bid them divide themſelves, ſix on one ſide, and ſix on the other.

Then the Clerk of the Peace ſhall call to the Bar, the Priſoner named in the firſt Indictment, to be tryed, upon the File, as he hath pleaded, and ſhall bid him hold up his Hand, and then ſhall ſay to the Jury.

Look upon the priſoner you that be ſworn, and hearken to his cauſe.

You ſhall underſtand that he is indicted here by the name of, &c. (*as in the Indictment*) *for that he,* &c. (*and ſo read the Indictment, as he did upon the Ar-*

Arraignment) *and in the close of the Indictment, shall further say:*

Upon this Indictment he hath been Arraigned; upon his Arraignment he hath pleaded Not Guilty, and for his Tryal hath put himself upon God and the Country, which Country you are: So that your charge is to enquire whether he be Guilty of the Felony whereof he stands indicted, or Not Guilty? If you find him Guilty, you shall enquire what Goods and Chattels he had at the time of the Felony committed, or at any time since: If you find him Not Guilty, then shall you enquire if he did fly for it or No; If you shall find that he did fly for the same, then you shall enquire what Goods and Chattels he had at the time when he did so fly for the same, or at any time since: If you find him not Guilty, nor that he did fly for the same; then you must say so, and no more, and hear your Evidence. Co. 3 Inst. 218.

Then the Clerk of the Peace shall direct the Cryer to call the Witnesses as they be subscribed to the Indictment.

When that is done; and the Witnesses for the King do appear, the Clerk of the Peace shall cause them to lay their Right Hands upon the Book, and shall swear them in this manner:

The Evidence that you and every of you shall give to this Inquest against A. M. *prisoner at the Bar, shall be the Truth, the*

the whole Truth, and nothing but the Truth : ſo help you God.

When all the Witneſſes for the King have given their Evideuce, then if the priſoner deſires that any Witneſſes ſhould be heard for him, they muſt be called alſo, but they ſhall ſpeak without Oath, unleſs the Fact be under Felony ; and then the Clerk of the Peace ſhall proceed in like manner to the next priſoner as the Indictments are filed in order, with this difference only ; when the Clerk of the Peace hath read over the Indictment as is afore directed, he ſhall ſay at the end thereof as followeth :

Upon this Indictment he hath been Arraigned ; upon his Arraingment he hath pleaded Not Guilty, and for his Tryal hath put himſelf upon God and his Country, which Country you are : So that your Charge is to enquire whether he be Guilty of this Felony whereof he ſtands indicted, or Not Guilty : And further to enquire of him as you had in charge to enquire of the firſt priſoner, and hear your Evidence.

Then the Clerk of the Peace ſhall call the Witneſſes as they be ſubſcribed to that Indictment, and ſwear them as aforeſaid.

When that priſoner has done, then the Deputy *Cuſtos Rotulorum* ſhall ſum up the Evidence, after which the Clerk of the Peace ſhall proceed to the next ; and ſo from one

one to another, until they ſhall be all tryed that the Jury was charged with.

In the mean time, as the priſoners be upon their ſeveral Tryals, the Clerk of the Peace looketh out the Examinations of every priſoner, as his cauſe is in hearing; and if it be Evidence for the King he readeth it to the Jury; and likewiſe the Evidence of the Informer for the King, if he ſhall falter, to refreſh his memory.

Alſo he ſhall make ready a Note of the Jurors names, and ſubcribe the Priſoners names, and their Offences as they ſtand charged withal, underneath the ſame; and when the Jury is ready to go from the Bar, he ſhall deliver it to them for their direction, and help of their memory to know whom they have in charge.

After the Jury have heard their Evidence the Clerk of the Peace ſhall ſwear a Bayliff to keep the Jury till they be agreed, in the ſame manner as is hereafter ſet down upon the Tryal of Traverſes.

When the Jury is gone from the Bar, if there be not Indictments enough to charge another Jury with, the Court ſhall ſend to the Grand Jury to bring in ſome more Bills, if they are ready.

When the petty Jury be agreed, and be returned to the Court to give their Verdict, the clerk of the Peace ſhall firſt call them ſeverally by their names, and ask them,

If

If they be all agreed of their Verdict? and who ſhall ſay for them?

Then the Clerk of the Peace ſhall direct the Goaler to ſet the firſt priſoner to the Bar; which done, he ſhall call to him, and ſay,

Hold up thy Hand.

And then ſhall ſay to the Jury;

Look upon the priſoner you that be ſworn; what ſay you, is he Guilty of the Felony whereof he ſtands Indicted, or Not guilty?

If they ſay Guilty; then the Clerk of the Peace muſt write over the names of the priſoners, after the words, *Poſe, Cul.*

Then the Clerk of the Peace muſt ask the Jury,

What Goods or Chattels had he, at the time of the Felony committed, or at any time ſince?

If the Jury find any; then the Goods muſt be recorded, but their Common anſwer is,

None to our knowledge.

But if they ſay;

Not Guilty.

Then

Then the Clerk of the Peace muſt write over the names of the priſoners, after *Po. ſe. Non Cul.*

• Then the Clerk of the Peace muſt ask the Jury,

If he did fly for the ſame, or no?

If the Jury find that he did fly for it, then the Clerk of the Peace muſt write over the names of the priſoners, after the words, *Po. ſe, Non cul. Retraxit.*

But generally the Jury do find, that he did not fly for it; and then the Clerk of the Peace muſt write over the name of the priſoner, after the words, *Po. ſe, Non Cul. nec Retraxit.*

And then the Clerk of the Peace ſhall proceed in the ſame manner, to every particular priſoner which the Jury hath in charge, and then he ſhall record their ſeveral Verdicts, after this manner;

Po. ſe Cul. Flag' & delib.
C. D. for a Handkercheif *ad val'* (6d.

Po. ſe Non Cul. nec Retrax.
D. E. for Linnen, *ad val'* 10d.

And

And then the Clerk of the Peace ſhall repeat their Verdicts to the Jury, after this manner,

Gentlemen, hearken to your Verdicts as the Court hath Recorded them.

And then he repeateth them in this manner:

You ſay that John *at* Stile *is Guilty of the Felony whereof he ſtands indicted.*

And

That John Oakes *is not Guilty of the Felony whereof he ſtands indicted.*

And when he hath repeated all their Verdicts after this manner, then he ſhall ſay:

And them whom you have found Guilty had no Good or Chattels to your knowledge: And them whom you found Not Guilty, did not fly for it to your knowledge, and ſo you ſay all.

Proceſſes: When the petty Larcenies, and other grand Offences be tryed, then the Proceſſes ſhall be called in the next place, after this manner:

M. K. *of the Pariſh of* Y. *Yeoman.*

And ſo of the reſt.

When any perſons be diſcharged upon their Appearance upon Proceſs, the Clerk of the Peace ſhall forthwith put ſuch Perſons out of Proceſs, and enter their names in

in a Book which he ſhall have in Court for that purpoſe, and ſhew the ſame to the Court before another Proceſs ſhall be called.

When all the Proceſſes be diſcharged, then the Traverſes ſhall follow next in courſe. Traverſes.

Every Indictment ſhall be fairly engroſſed in Parchment, and if any parties do appear that ſtand Indicted of Treſpaſſes, Maihems, Batteries, Riots, Converſions, Depopulations, decays of Highways and Bridges, or the like Offences; the party indicted ſhall not hold up his hand at the Bar, as in the caſe of Felony; but the Clerk of the Peace ſhall call the party indicted, and when he appears in Court, the Clerk of the Peace ſhall ſay unto him:

Thou ſtandeſt here indicted by the name of M.O. *in the Pariſh of* Y. *in this County, for that thou,* &c. *and ſo ſhall read the Indictment openly and diſtinctly in Engliſh; and then ſhall ask him, What ſayeſt thou, art thou Guilty of this Treſpaſs whereof thou ſtandeſt Indicted, or not Guilty?*

If he ſhall ſay, Not Guilty; and ſhall traverſe his Indictment according to the uſual courſe, then he ſhall enter into Recognizance to proſecute his Traverſe at the next Quarter-Seſſions, and the Recognizance ſhall be taken after this manner:

M.O.

M. O. *Thou doſt acknowledge thy ſelf indebted unto our Soveraign Lord the King in the Sum of* 20l. *to be levied of thy Lands and Tenements, of thy Good and Chattels; and this is upon condition that you ſhall appear at the next General Quarter-Seſſions of the Peace, to be holden before his Majeſty's Juſtices of the Peace for this County, and ſhall then and there proſecute your Traverſe which is taken, with effect; and ſhall not depart the Court without Licence.*

But if the party will not confeſs the Offence whereof he ſtands indicted, nor will not plead Guilty, or will plead ſuch matter as ſhall be no anſwer to the Indictment, Judgment ſhall be entred againſt him according to the uſual courſe uſed in Actions at Common Law.

Note, that the party indicted may by his Counſel before Plea pleaded, take exceptions to the inſufficiency of his Indictment, and if the Court ſhall quaſh the ſame for Errour, the Clerk of the Peace ought forthwith to indorſe the cauſe of the Errour, wherfore the Indictment was quaſhed, on the back-ſide thereof; but if the Court ſhall ſee cauſe when the Indictment is quaſhed, they may give order that a new Indictment be drawn againſt the Offender.

Juſti-

Juſtices of Peace may not enquire, try, and determine Civil Offences in one and the ſame day; for that a *Venire facias* muſt be awarded, and there muſt be fifteen daies between the Teſte and the Retorn thereof; and the party ought to have a convenient time to provide for the Tryal. Cro. 3 Rep. 438, 448. *Bumſted's* Caſe.

Note, that no perſon may aſſign Errours upon Indictments, unleſs he appear in proper perſon, and put in Bail, *Cro. 2 Rep.* 616.

Note alſo, that no Informations or Indictments for Nuſances ſhall be quaſhed or diſcharged, unleſs two Juſtices of Peace do certifie to the Court upon their own view, either by Certificate under their hands or in perſon, that the Nuſance is removed. *Leyton's* Caſe. Cro. 3 Rep. 422.

If any party thus charged upon Indictment, will demur in Law upon the Evidence, the Clerk of the Peace muſt record the Demurrer; or if he will plead a Pardon, he muſt record the Plea; or if he will offer his Traverſe to the Indictment, the Court muſt allow the ſame; but if he be oſtinate and refuſe to plead, Judgment ſhall be given againſt him by *Nihil dicit*. Lam. 539. Bolton. 44. p. 2.

If an Indictment be challenged for ſuch cauſe as the Juſtices will not allow, then may they ſeal a Bill of that Exception for the party if he will write and require it, according to the *Stat. W. 2. ca.* 30. Bolton. 44. par. 2. Lam. 540.

Note, that if any perſon thus indicted ſhall appear voluntarily without Proceſs, he may pray time to plead till the next Seſ-

ſions, that he may adviſe with his Council what to plead.

Bolton. 45. par. 2. Lam. 543. Whereſoever any Proceſs *Ad reſpondendum*, goeth out by force of ſuch an Indictment as is traverſable, there the party may offer, and ought to have his Traverſe againſt it.

Lam. 539. Bolt. p. 2. 44. If the party indicted will plead in Juſtification, any matter of Record that is before other Juſtices, the Court ſhall give him a Day to bring it in.

When all this is done, then the Clerk of the Peace ſhall call the parties bound by Recognizances taken at the laſt Seſſions, to proſecute their Traverſes at this preſent Seſſions; and if any of the parties do not appear, then the Cryer ſhall call him thrice, and ſay;

A. M. *come forth, and proſecute thy Traverſe with effect, elſe thou forfeiteſt thy Recognizance.*

If the party indicted doth not appear, then the Clerk of the Peace ſhall paſs by that Indictment, and ſhall proceed to the next, but if he doth appear, then the Clerk of the Peace ſhall cauſe the Cryer to call the Proſecutor thrice in this manner.

D. L. *come forth and proſecute thy Indictment againſt* A. M. *and you ſhall be heard.*

Note, that if the Proſecutor do not then appear to proſecute his Indictment, and Affidavit be made in open Court that the party

ty indicted did give him timely notice of the Tryal, the Jury ſhall be ſworn and the Clerk of the Peaece ſhall charge them with the indictment, concluding thus:

• *That to this Indictment he has pleaded Not Guilty, and for his Tryal hath put himſelf upon his Country, which Country are you, and none appearing to prove the Fact againſt him, unleſs you do know upon your own knowledge, that* A. M. *is Guilty of the matter of Fact charged in that Indictment, you ſhall find him not Guilty.*

And upon ſuch Verdict the Court ſhall diſcharge him; but if when the Proſecutor be called, he ſhall appear, and ſhew good cauſe why he cannot proſecute that Seſſions; or if any credible perſon ſhall appear in the behalf of the Proſecutor, and ſhall there make Affidavit that the Proſecutor is very lame, or ſick, inſomuch that he cannot come to the Court without danger of his life, or ſhew any other lawful excuſe, the Traverſe ſhall be reſpited till the next Seſſions.

Then the Clerk of the Peace ſhall proceed to the next Indictment, and ſhall call the party therein indicted; and when he appears, and the Proſecutor is ready, the Sheriff having returned the Jury for Tryal of the Traverſe, the Clerk of the Peace ſhall cauſe the Cryer to call them in this wiſe;

You good men that be returned to enquire and try this Iſſue of Traverſe, between our Soveraign Lord the King, and A. M. *anſwer to your names at the firſt call upon pain and peril that ſhall fall thereon.*

Then he ſhall call them in order, every man by his name; and if there be a default, then he ſhall ſay:

You good men that made default, anſwer to your names.

When the Jury is full, the Clerk of the Peace ſhall ſay:

Parties look to your Challenges.

Note, that when the Fact charged in the Indictment is Treſpaſs, Riot, or any other Miſdemeanour under the degree of Felony, no peremptory Challenge ſhall be allowed.

Then the Clerk of the Peace ſhall ſwear them every one in this manner, every perſon one after the other ſingly by himſelf, laying his Right Hand on the Book:

You ſhall well and truly try this Iſſue of Traverſe, between our Soveraign Lord the King, and A. M. *for a Treſpaſs whereof he ſtands indicted, according to your Evidence, ſo help you God.*

As

As the Clerk of the Peace ſhall ſwear the Jury he ſhall mark them that be ſworn as aforeſaid.

After that all the Jury is ſworn, the Clerk of the Peace ſhall read their names, and the Cryer ſhall count them; which being done, the Cryer ſhall ask them, if they be all ſworn, and then ſhall bid them ſtand together and hear their Charge.

Then muſt the Clerk of the Peace direct the Cryer to make Proclamation in this manner.

If any perſon can inform his Majeſty's Juſtices of Peace, the King's Serjeant, the King's Attorny, or this Inqueſt now to be taken, of any Treſpaſſes, or other Miſdemeanour acted or committed by A.M. *come forth and give your Evidence, or elſe he ſhall be diſcharged.*

Then the Clerk of the Peace ſhall read the Indictment, and charge the Jury as the Indictment is, what they are to enquire, *&c.*

Then ſhall the Indictment be opened and managed by Counſel, if there be any; and the Witneſſes ſhall be called to prove the matter of Fact, charged in the Indictment againſt the Offender; but if upon the appearance of any of the Witneſſes, the adverſe party ſhall challenge any of them, before they ſhall be ſworn, and prove the cauſe of Challenge upon Oath, ſuch Witneſs ſhall be ſet aſide; but if the cauſe of Challenge can-

not be positively proved upon Oath; but 'ti presumed the same is true, then he may pray that such person so produced for a Witness, may be examined upon a *Voire Dire*, and then the Clerk of the Peace shall cause him to lay his Right Hand upon the Book, and and shall swear him in this manner:

You shall true answer make to all Questions, touching the matter in variance, as shall be demanded of you: so help you God.

And if the cause of the Challenge be thereupon confest, and allowed by the Court, he shall be set aside, and another Witness shall be called; and if he be not challenged, he shall lay his Right hand on the Book, and shall be sworn by the Clerk of the Peace after this maner:

The Evidence which you shall give to this Inquest against A. M *shall be the Truth, the whole Truth, and nothing but the Truth: so help you God.*

In Examination of Witnesses upon Evidence, the Council for the party indicted shall not interrupt the Witnesses in their Evidence, on the behalf the King; neither shall the Council for the Prosecutor, be permitted to disturb the Witnesses in their Evidence, on the behalf of the party indicted; but when the Council of either side hath done with any of his Witnesses, the Council

cil of the adverſe party may pray leave of the Court to croſs examine him.

No Witneſſes may be examined in any Tryal, nor Counſel be permitted to ſpeak any thing ſavouring of Scandal, either to the proſecutor or party indicted, except it be matter material to the Iſſue. Cro. 2 Rep. f. 90, 91. *Brooke* and *Mountague*, Recorder of *London*.

In all Tryals, the Counſel of the proſecutor ſhall conclude the Evidence, and the Judge of the Court ſhall give the directions to the Jury.

Note, that this Liberty of Traverſe is commonly reſtrained to Indictments of Treſpaſſes, Contempts, Riots, *&c.* and other inferior Offences, and is not uſually extended to Treaſons or Felonies. Lam. 541. Bolt. 44.

In the mean time doth the Clerk of the Peace file the *Venire*, and the Pannel with the Indictment.

After the Jury hath heard their Evidence, they ſhall depart to ſome convenient place to agree upon their Verdict with a Bayliff, to whom the Clerk of the Peace ſhall adminiſter this Oath:

You ſhall well and truly keep every perſon, ſworn of this Inqueſt, together in ſome private and convenient Room, without Meat, Drink, Candle or Lodging, and you ſhall not ſuffer any perſon whatſoever to ſpeak to them, or any of them, neither ſhall you your ſelf ſpeak to them, until ſuch time as they have delivered up their Verdict, unleſs it be to ask them,

whether they be agreed of their Verdict: ſo help you God.

Whilſt the Jury be in conſultation upon their Verdict, the Clerk of the Peace doth uſually take a Note of all the Recuſants, preſented by the chief Conſtables and petty Conſtables, and the particular Juries for Hundreds, and Liberties out of their preſentments, delivered into Court, and make them into Bills of Indictments in form of Law, and ſent both it and the Indictments to the Grand Inqueſt, that they may return the ſame Bills together with their preſentments of other Greivances; and having ſo done, they be uſually diſcharged, unleſs extraordinary ſervice prevent the ſame.

If any Bills of Indictments againſt Recuſants ſhall be found, then ſhall the Clerk of the Peace cauſe the Cryer to make proclamation; and then reading the names, and the Cryer repeating them with their Additions, as they are in the Indictment, he ſhall conclude after the laſt name thus:

Being indicted at theſe Seſſions for not coming to Church, by the ſpace of one month or more, or for not receiving the Sacrament of the Lords Supper by the ſpace of one year or more, as is expreſſed in the Indictment; Yield every of your Bodies to the Sheriff of this County, ſo that he may have every of you before his Majeſty's Juſtices of the Peace, at the next General Quarter-Seſſions, to be bloden

holden for this County, or else you, and every of you, shall be convicted of Recusancy, according to the form of the Statute in that case made and provided. St. 3 Ja. c. 4.

When the petty Jury shall be agreed of their Verdict, and are returned into Court to deliver up the same, the Clerk of the Peace shall call them severally by their names, and shall ask them, If they be all agreed of their Verdict; And if they say, yea; then he shall say, Who shall say for you? and if they shall answer, their Foreman; then he shall say to the Jury:

What say you, is A. M. *guilty of the Trespas, or Riot, or Rout,* &c. *whereof he stands indicted, or not guilty.*

If they shall say, guilty: or, if they shall say, not guilty; then the Clerk of the Peace shall record the Verdict, and shall say to the Jury:

Hearken to your Verdict as the Court hath recorded it.

And then he shall repeat it in this manner:

You say that A. M. *is guilty of the Riot, Trespass,* &c. *whereof he stands indicted, and so you say All.*

Or,

That A. M. *is not guilty of the Riot, Trespass,* &c. *whereof he stands indicted, and so you say All.*

When

Recognizances.

When all the Traverſes ſhall be heard, the Clerk of the Peace ſhall call the parties bound by Recognizances, to appear at the Seſſions, and if they appear not, then he ſhall cauſe the Cryer to call them in this wiſe:

A. M. *of the Pariſh of* Y. *Yeoman, come forth, ſave thee and thy Bail, or elſe thou forfeiteſt thy Recognizance.*

And if he appear not, then the Clerk of the Peace ſhall call the Sureties in ſuch manner, as is before directed to call Sureties for perſons that go upon Bail.

But if the Delinquent appear upon the Recognizance, then the Clerk of the Peace ſhall enter a *Comparuit*, and this done, he ſhall call the Proſecutor thus:

D. E. *come forth, and proſecute the Peace againſt* A. M. *or elſe he ſhall be diſcharged.*

And if the Proſecutor doth not appear after he hath been thrice called in this manner, the Delinquent ſhall be diſcharged of courſe; but where a perſon is bound by Recognizance to appear at the next Seſſions, and in the mean time to keep the Peace towards any particular perſon; and it doth manifeſtly appear to the Court upon the Affidavit of ſome credible perſon, that the Proſecutor cannot come to proſecute by reaſon of Sickneſs, or ſome other lawful impediment allowed in Court, then upon a motion in Court,

Court, and good cauſe ſhewed, why the Recognizance ſhould be renewed, the appearance ſhall be recorded, and the Delinquent ſhall be bound over to appear at the next Seſſions, and in the mean time to keep the Peace towards the proſecutor only, but if the Proſecutor ſhall make default by not appearing, and Affidavit is made, that his Appearance is not impeded by ſickneſs, or any other lawful Impediment, and that he meerly abſents himſelf out of a Malitious intent, becauſe the Defendent ſhould not be diſcharged: Or, if any man be bound to appear, and in the mean time to keep the Peace, towards the King and all his People, but not towards any particular perſon; then in both thoſe caſes, Proclamation ſhall be made in open Court, in this manner: Cro. Juſt. 144.

If any perſon can ſhew any lawful cauſe, why the Peace granted againſt J. S. *ſhall be continued, let him come forth, and he ſhall be heard, for he ſtands upon his diſcharge.*

And if none come in to proſecute, the Offender ſhall be diſcharged.

When any perſon doth demand the Peace againſt any Delinquent in open Seſſions, the Clerk of the Peace ſhall adminiſter unto the Proſecutor this Oath:

The Peace which you require againſt A. *is not out of any Ill-will or Malice, which you bear to him, but meerly to preſerve*

ſerve your Life, Houſe, Goods, or your Chattels, from any bodily harm or miſchief, which he by himſelf, or any other by his procurement may attempt or do: ſo help you God.

Where a perſon is bound by Recognizance to appear at the next Seſſions, and cannot appear by reaſon of ſickneſs, or ſome apparent diſability allowed in Law, upon Affidavit made in open Court by ſome credible perſon, the Court may reſpite the Recognizance until the next Seſſions, endorſing the cauſe on the back-ſide thereof.

If any perſon be bound by Recognizance to appear at the next Quarter-Seſſions, and in the mean time to be of the Good Behaviour, and during that time before the Seſſions, ſhall misbehave himſelf, and make a breach of the Good behaviour, a *Scire facias* ſhall be brought upon ſuch Recognizance, and the ſame ſhall be tryed thereupon by a Jury.

If any perſon be bound by Recognizance with two Sureties, to appear at the next Quarter-Seſſions to be held for the County, and dye before the time of holding the ſaid Seſſions, the Sureties muſt plead the death of the party for their diſcharge.

If any perſon be committed by the Court to Priſon, and Bail is allowed by the Law, and tendred to the Court, and exceptions

Dalt. Juſt: 305.

be

be taken to the disability of the Bail tender'd in open Court, or that the Justices doubt the sufficiency of the Bail, they may examine the Security upon Oath, whether he be worth 10*l.* (or more if the case require) all his Debts paid, and upon the Examination, may allow or reject the Bail.

When all the Recognizances be called, and dispatched, the Defaults shall be entred, and orders for Attachments, and other Warrants, and submissions of Recusants shall be recorded, Differences concerning the settlment of Poor People, and Bastard-Children shall be heard and decided, and Orders upon motions shall be granted.

If any publick Bridge happen to be out of repair, and it cannot be known who ought to repair the same, the Justices must enquire by the Grand Jury, who ought to repair such decayed Bridges; and if that cannot appear upon any proof made to them, then the Jurors must present that the Bridges are in decay and that they do not know who ought of right, or by any Custom to repair the same. Co. 2 Inst. 703. St. 22 H. 8. ca. 5.

Then the Justices shall examine some Work-men, who have viewed the Bridges; upon their Oaths, what the Charge of the Repairs of the decayed Bridges will amount unto, and when that appears, the Court does usually appoint four or more Justices of the Peace, whereof one of the *Quorum*,

to

to Summon the Conſtables, or two honeſt Inhabitants of every Town or Pariſh within the County before them, and upon their appearance the Juſtices with them ſhall tax and aſſeſs every Inhabitant within their ſeveral Pariſhes, to ſuch reaſonable Sum of mony as they ſhall think fit, for the repair of ſuch decayed Bridges, and ſhall alſo cauſe the name of every perſon ſo taxed to be writ in a Roll, indented under the Seals of the Juſtices; and ſhall alſo make two Collectors for every Hundred to collect the Money, who may deſtrein thoſe that will not pay the Money taxed upon them, returning the Overplus; and alſo ſhall appoint two Serveyors, who ſhall ſee every ſuch decayed Bridge amended, to whoſe Hands the Collectors ſhall pay the Money received, and the Surveyors and Collectors, and their Executors or Adminiſtrators, ſhall return a true account thereof to the Juſtices; and if the party ſhall refuſe, the Juſtices ſhall grant an Attachment under their Seals, againſt the party ſo refuſing to account, returnable at the next Quarter-Seſſions: and if he appear and refuſe to account, the Juſtices ſhall commit him to Goal, there to remain without Bail or Mainpriſe, till he ſhall make a true account.

St. 5 Eliz. ca. 13. Any Juſtice of Peace upon his own knowledge, may preſent in open General Seſſions, any High-way not ſufficiently repaired and amended within the County, or any other fault againſt the Stat. of Highwaies, and every ſuch Preſentment ſhall be fairly

fairly ingroſſed in Parchment, and delivered into Court, under ſuch Juſtices Hand.

When the Juſtice of Peace has delivered the Preſentment into Court, the Clerk of the Peace ſhall read the ſame, and it ſhall be of the ſame force as a Preſentment of 12 men; and if the parties preſented be preſent in the Court, they may Traverſe the ſame; but if they do not then Traverſe it, the Juſtices may at the ſame Seſſions, aſſeſs the Fine upon ſuch Offender, and that in the abſence of the parties, without calling them to it by any proceſs. Dalt. Juſt. 67.

When any perſon has ſuſteined ſo great Dammage by Fire or other Caſualty, that he muſt fall to Beggery and want, without the collection of ſome charitable perſons, and to that end ſhall petition the Court that they would grant their Certificate to the Lord Chancellour, in order to obtain his Majeſty's Letters Patents for a Collection to repair his Loſs; the Clerk of the Peace ſhall read his Petition in open Court, and then ſhall give an Oath to the party himſelf, and two or more able Inhabitants of the Pariſh or place where the Loſs or Caſualty happened, what Dammage the parties have ſuſteined, and the value of their Loſs, and that without the help of a Collection they cannot ſubſiſt but muſt fall to Beggery or Want.

When that is done, the Juſtices ſhall take bond of the parties, to the King, that no part of the Money collected ſhall be applied to *Vide* Lord Keepers directions to Juſtices of Peace.

to the Benefit of any Landlord, or other perſon of ability, either in rebuilding his Houſe or otherwiſe, and that the party ſhall not put over his Collection to any other: And this Bond ſhall be Kept among the Records of the Seſſions.

Orders.

Note, that if any perſon do petition or move againſt another, in the abſence of the adverſe party, and the Suggeſtion upon which the petition or motion is grounded, is true, and allowed by the Court; yet the Court will not grant an abſolute Order thereupon, but only an Order that the adverſe Party ſhall ſhew good cauſe to the contrary, unleſs Affidavit be made, that he had timely notice to defend the ſame.

If an Order be granted to ſhew cauſe, and Affidavit be made that the adverſe party was duly ſerved with the ſame, and he doth not appear to ſhew cauſe according to the Order, but ſtands in contempt, then the Court upon motion will make the Order abſolute.

When the Rule is given, or an Order granted upon any Petition read, or motion made in Court, it is convenient that the Notes be immediately entred in a Book, to be kept by the Clerk of the Peace for that purpoſe, and be openly read to the Juſtices before another motion be made, to the end that if the ſame be miſtaken, it may be rectified by the Court.

Note,

Note, that if any perſon, who hath buſineſs in Court, be not of ability to retain Council, he may ſet forth the ſame by Petition to the Juſtices, and pray relief or redreſs thereupon.

• Every contempt ſhall be anſwered in proper perſon, and not by Attorney. Crompt. Juſt. 190.

Then ſhall the Court proceed to the granting of Licenſes to Badgers, Victuallers, and Ale-houſe-keepers. And note, that if any perſon deſires a Licenſe to be a Badger, Lader, Kidder, Carrier, Buyer, or Tranſporter of Corn or Grain, he muſt appear in the open Seſſions, and ſatisfie the Court that he is a married Man, and an Houſe-keeper of the Age of thirty years or upwards, and hath lived three years in the County, and if upon Examination, the Court ſhall approve of the party, and grant him a Licenſe, he ſhall forthwith enter into Recognizance, the Clerk of the of Peace, ſaying thus to him: St. 5 Eliz. c. 12.

A. M. *Thou doeſt acknowledge thy ſelf indebted unto our Soveraign Lord the King, in the Sum of* 20l.

C. D. *and* E. F. *you and either of you do acknowledge your ſelves joyntly and ſeverally indebted unto our Soveraign Lord the King in the ſeveral Sums of* 10l. *a peace, to be levied of your Lands and Tenements, of your Goods and Chattels; and this is upon Condition, that you ſhall not by colour of your Licenſe, foreſtal, in-*

 groſs,

groſs, or otherwiſe practiſe or do any act or thing contrary to the Statute in that caſe made and provided.

If any perſon ſhall deſire a Licenſe to brew and ſell Beer, they muſt bring Certificates, directed to the Court under the hands of men of Truſt, where the parties to be licenſed do live, certifying that they be perſons of good Life and Converſations, and People that keep good orders in their particular Families, and that their Houſes be ſituated in convenient places, having one convenient Lodging at the leaſt, in every of their reſpective Houſes, with all accommodations to receive or entertain a Paſſenger or Traveller; and if upon the Examination of the Perſons, the Court ſhall think fit to grant a Licenſe to any of them; the Party to be licenſed with two ſufficient Sureties, ſhall enter into a Recognizance, which ſhall be taken to this effect, the Clerk of the Peace ſaying:

A. M. *You do acknowledge your ſelf indebted unto our Soveraign Lord the King in the Sum of* 10l.

Sr. 5 & 6 Ed. 6. c. 25.

C. D. *and* E. F. *You and either of you, do acknowledge your ſelves joyntly and ſeverally indebted unto our Soveraign Lord the King, in the ſeveral Sums of* 5l. *a piece; to be levied of your Lands and Tenements, of your Goods and Chattels; and this is upon Condition, that* A. M. *ſhall not ſuffer any unlawful Games to be uſed in his*

his Victualling-House, but shall keep good Order, and Rule there, according to the Statutes in that case made and provided.

The Clerk of the Peace shall keep a Register-book, containing the true names, Sirnames, and places where every Person Licens'd to buy and sell Corn, or other Provision, or to keep Ale-House, or Victualling-House doth dwell, to the end it may appear to the Court who be Licens'd, and by whom, and who be not, and what other alteration hath been made from time to time, for the placing of men of honest and good Conversations, and displacing of others of ill Behaviour.

Memorandum, That when an Indictment of Petty Larceny, is found against a Prisoner, and he be arraigned thereupon, the Clerk of the Peace shall set down briefly his Offence in a sheet of Paper, according to the form set forth in the Clerk of Assize.

Note also, that as the Verdict be given, then the Clerk of the Peace shall perfect his Calendar; which being done, he shall draw into a sheet of Paper.

1. The Names of such who are to be Transported.

2. Names of such who are to be sent to the House of Correction.

3. The Names of such who are to be Fined and Imprisoned.

4. The Names of ſuch who are acquitted by the Petty Jury.

5. The Names of thoſe who are acquitted by the Grand Inqueſt.

When the Calendar is perfected, the Clerk of the Peace ſhall deliver the ſame to the *Cuſtos Rotulorum*, or his Deputy whom he has aſſigned to give the Rules of Court, that he may proceed thereupon to deliver Judgment againſt the ſeveral Offenders.

Then the Clerk of the Peace ſhall cauſe the Goaler to ſet the Priſoners to the Bar in order, as their Names and Offences be ſet down in the Calendar; Firſt, thoſe that ſhall be be convicted of Petty Larceny; and then ſhall cauſe the Cryer to make Proclamation, and ſay:

His Majeſty's Juſtices of Peace do ſtreightly charge and command all manner of perſons to keep ſilence whilſt they proceed to give Judgment againſt the Priſoners at the Bar.

Then the Deputy *Cuſtos Rotulorum*, after an Exhortation made to the Priſoners ſuitable to their Offences, ſhall ſolemnly pronounce the Judgment of the Court againſt them.

Judgment in Petty Larceny.

Pul. de Pace Regs f. 214.

That the Offender ſhall retorn to the place from whence he came, and there ſhall remain

a

a Week, Month, or &c. and then in ſuch a City, Burrough, Market-Town, or Village, where the Fact was done, or other place aſſigned by the Juſtices, ſhall be ſtripped from the Waſte upward, tyed to a Cart, and whipped until his Body ſhall bleed Once, Twice, or Thrice, according to the diſcretion of the Juſtices.

Jugdment againſt a perſon that has attempted to find out Hidden Treaſures.

That the Offender ſhall go to the place from whence he came, and there ſhall remain a year, and once every Quarter of that year, ſhall ſtand ſix hours in the Pillory, and there confeſs his Offence. St. 1 Ja § 12.

Judgement againſt a perſon to be Tranſported for burning Stacks of Corn, or deſtroying Cattle.

That the Offender ſhall go to the place from whence he came, and from thence ſhall be Tranſported beyond the Sea, there to remain for ſeven years. 22 & 23 Car. 2. c. 7.

Judgment againſt a perſon convicted of Subornation of Perjury.

That the Offender ſhall pay 40l. 5 Eliz. c. 9

But if the Offender be not worth 40*l.* then the Judgment is:

That the Offender ſhall go to the place from whence he came, and there ſhall remain half a year, without Bail or Mainpriſe, and ſhall ſtand upon the Pillory for the ſpace of an hour in the Market-Town where the Offence was committed, in open Market; or in the Market-Town next to the place where the Offence was committed, in open Market.

Judgment againſt a perſon convicted of Perjury.

5 Eliz. c. 9. *That the Offender ſhall pay* 20*l.* *and ſhall be impriſoned for ſix months without Bail or Mainpriſe, and his Oath ſhall not be received in any Court of Record.*

But if the Offender ſhall not be worth 20*l.* then the Judgment is:

That the Offender ſhall ſtand in the Pillory in ſome Market-place in the County, City or Burrough, where the Offence ſhall be committed, and there both his Ears ſhall be nailed, and from thenceforth ſhall be diſcredited, and diſabled for ever to be ſworn in any Court of Record.

Judgment againſt a Perſon convicted of ſtriking, or drawing a Weapon in Church or Church-yard.

That

That the Offender ſhall have one of his Ears cut off. St. 5 & 6 E. 6. c. 4.

But if the Offender have no Ears, then the Judgment ſhall be:

That the Offender ſhall be marked and burned in the Cheek with a hot Iron, with the Letter F. *and ſhall ſtand excommunicated.*

Judgment againſt a Recuſant convict of abſenting from Church for a month.

That the Offender ſhall pay 20l. *and ſhall from henceforth pay* 20l. *a month to the King.* St. 3 Ja. c. 4.

Or

That the King ſhall have two parts in three to be divided of all his Lands, Tenements, and Hereditaments, Leaſes and Farms.

Judgment againſt a perſon convicted of depraving the Sacrament.

That the Offender's Body ſhall be impriſoned, pay a Fine, and be ranſomed at the King's will and pleaſure. St. 1 E. 6. c. 1.

Judgment againſt a perſon convicted of ſaying Maſs.

That the Offender ſhall pay 200 *Marks, and be committed to the next Goal, there to remain for a year, and from thenceforth till he ſhall have paid the ſaid* 200 *Marks.* St. 13 Eli. c. 1.

Judgment againſt a perſon convicted of willingly hearing Maſs.

That the Offender ſhall pay 100 *Marks, and ſuffer Impriſonment for a year.*

St. 23 Eli. ca. 1.

'Tis too tedious to repeat all the Judgments for all other Offences puniſhable in a Court of Q. Seſſions; therefore the Reader is referred to the Statutes at large.

Lamb. Eir.

Note, That every Judgment which ſhall be given, and every Fine which ſhall be aſſeſſed, ought to be openly pronounced and declared by the Court, to the end it may advance the more good to the Prince in Profit, to the Juſtices in Credit, andto the People in Example.

Note, That where the Statute leaves the Fine to the diſcretion of the Court, or any Juſtice differs in Opinion, touching the quantity of the Fine, or the quality of the Puniſhment, the Deputy *Cuſtos Rotulorum* ſhall ſtate the matter of Fact to the Court; and every Juſtice there, beginning with the *Puiſney*, ſhall publickly give their ſeveral Votes, what Fine ſhall be impoſed, or what Puniſhment ſhall be inflicted upon the Offender; but if the Queſtion in variance, ſhall be matter in Law, the Court will take time to adviſe with the Judges, according to the Form of their Commiſſion.

If the Party indicted ſhall before conviction come into the Court, and proteſt his Innocency: But *quia noluit placitare cum Domino Rege*, putteth himſelf *In ratiam Regis*

Regis & petit admitti ad Finem, though the Fine be certain in the Statute, yet the Court may mitigate the ſame, *Lamb.* 530. *Crompt.* Juſt. 159. *Shep.* Juſt. 113.

Where a Perſon offends againſt a Statute, which is a Prohibition in it ſelf, or where the Statute limits the Fine at the Will of the King, the Court ſhall upon Indictment and conviction thereof, aſſeſs a Fine at their diſcretion, for the contempt. Cromp. Juſt. 12, 159, 160, Co. 2 Inſt. 168, 186, 187, 216

Upon every Contempt the Offender may be indicted, and upon conviction ſhall ſuffer Fine and Impriſonment, but if he tenders Sureties for the Payment of his Fine, he ſhall be immediately delivered out of Priſon. Cromp. Juſt. 190

Where the Statute gives the Fine to the reparation of the Pariſh-Church, or the High-ways, or to the Poor of the Pariſh where the Offence was committed; and the Offender upon Conviction doth tender the ſame in Court, the Clerk of the Peace ſhall forthwith cauſe the Cryer to call the Conſtable of that Pariſh, or in his abſence the chief Conſtable of that Diviſion, wherein is ſuch Pariſh, and by him ſhall convey the ſame to the Church-wardens, and overſeers of the Poor of that Pariſh, to the end the Fine may be diſtributed according to the intent and directions of the Statute.

If the Fine be not paid, and the Statute directs a Warrant to levy the ſame by Diſtreſs upon the Goods and Chattels of the Offender, then the Court ſhall direct the Clerk

Clerk of the Peace, to draw up a Warrant to levy the ſame, according to the directions of the Statute.

All theſe things being done, and the Juſtices having heard all ſuch Grievances as are complained of unto them concerning miſdemeanours, and the like; the Cryer ſhall make three Proclamations, and adjorn the Seſſions, ſaying:

All manner of Perſons, that have any thing more to do at this preſent Quarter-Seſſions of the Peace, holden before his Majeſty's Juſtices of the Peace for this County of H. *may depart hence at this time, and keep their Day again here, or elſewhere upon a new Summons.*

God ſave the King.

The

The Buſineſs after the Seſſions.

THe Clerk of the Peace doth put all ſuch perſons into proceſs, who were newly preſented at the laſt Seſſions, and doth enter their Names into the Book of proceſs.

Then doth he write over fairly in parchment, all the new proceſs for the Sheriff, and deliver them to him, within convenient time, after the end of the Seſſions, that he may have ſufficient time to execute the ſame.

After this, he doth draw up all Traverſes in form of pleading to any Indictments of Treſpaſs, Riots, Converſions, Depopulations, Decay of High-ways and Bridges or the like, for all ſuch as have taken order for the ſame, giving them copies thereof within convenient time after the laſt Seſſions and ſhall enter all Traverſes upon the Traverſe Roll, and make out the *Venire facias* upon the ſame.

Then doth he draw up a Certificate of the conviction of all Recuſants at the laſt Seſſi-

ons,

ons; and the ſame ſhall be ſigned by the Juſtices, and delivered into the Exchequer in *Eaſter* Term.

All Indictments, Informations, Pleadings, Traverſes, Fines and Judgements, ſhall be entred on the Roll in parchment by the Clerk of the Peace, and be filed before the next Seſſions after Verdict or Judgment ſhall be given therein.

Stat. 22 & 23 Car. 2. at large.

Laſtly, the Clerk of the Peace ſhall once a year, make up and ingroſs the great Eſtreat of all Stewards of Leets, and Liberties, chief Conſtables, petty Conſtables, Bayliffs of Liberties, Grand Jurors, and other Officers of the Court, for their Non-appearance at the Quarter Seſſions, for the whole year laſt paſt; and of all convicted Recuſants, and of the Amerciaments of all Offenders, for Nuſances, Treſpaſſes, *&c.* and of the iſſues returned by the Sheriff upon the proceſs of the Seſſions, whereupon no Appearance hath been made, and before the return thereof into the Court of Exchequer, ſhall ſhew the ſame to the Juſtices of the Peace, at every *Michaelmas* Seſſions, that they may ſign the ſame.

Proceſs.

Proceſs.

HAth its name becauſe it proceedeth or goeth out upon former matter, either Original or Judicial, *Lamb.* 490.

Authority to make Proceſs upon Indictments is given to the Juſtices by words in their Commiſſion, or by Implication, where the power of Hearing and Determining is given; for it cannot be performed, unleſs the party either do come in *Gratis*, or be brought in by Proceſs. *Lamb.* 491. and the Proceſs muſt be in the King's name with a *non omittas*, and bear *Teſte* under the names of two Juſtices ſitting in the Court. *Lambert. ibidem.*

Proceſs upon Indictment of Felony is a *Capias*, and an *Exigent. Stat.* 23 *Ed.* 3. *ca.* 14. and may be ſent into any Forreign County. 5 *Ed.* 3. *ca.* 11.

Indictment of Treaſon, Felony, or Treſpaſs in one County, nameth the Indicted to be of another; the firſt Proceſs ſhall go into the County where he is Indicted, and after the return thereof another ſhall iſſue out to the Sheriff, where the offender is ſuppoſed by the Indictment to be moſt converſant, returnable three months after before Juſtices where he was Indicted; and if he be not to be found there; then that Sheriff ſhall make proclamation at two Coun-

County-Courts before the return, that he ſhall appear before the Juſtices of the County where the Indictment is at the day in the *Capias*, and if he appear not, an *Exigent* to be awarded. *Stat.* 8 *H.*6.*ca.*10.

Proceſs upon Indictments of Treſpaſs againſt the Peace, or of other offences againſt penal Statutes, not being Felony or greater offence (unleſs the Statute otherwiſe directs) is a *Venire Facias*, returnable at the next Seſſions, and if the offender be returned ſufficient, then a *Diſtringas* infinite; but if the return be *Nihil habet*, then a *Capias*, after that an *Alias Capias*, then a *Pluries* ſhall go forth, and after that an *Exigent* till the party be taken, or yield himſelf, or elſe be outlawed. *Dalton* 404. *Lambert* 493.

Like Proceſs upon Indictments grounded upon the *Stat.* 8 *H.*6.*ca.*9. againſt Bailiffs of Franchiſes, or the Sheriff, for not enquiring of Forcible Entries, as upon Indictments of Treſpaſs.

Theſe Proceſſes muſt be always directed to the Sheriff, (who is the King's immediate Officer to execute all Proceſs) but if the Sheriff or any of his Officers be parties, then they muſt be directed to the Coroners of the County, to cauſe the offender to appear, upon the Indictment. But if the offender be preſent, and confeſs the Indictment, Information, or offence, then no Proceſs ſhall iſſue out; for he ſhall be committed forthwith to priſon, untill he hath paid

paid his Fine or given Sureties for it. *Dalton* 404. *Crompt.*

Proceſs upon the Statute of unlawful Games, *&c.* is a *Venire Facias*, a *Capias* and an *Exigent.* *Stat.* 33. *H.* 8. *ca.* 10.

Proceſs upon the Statute of Victuals, Attachment, *Capias*, *Exigent.*

Where a ſervant runs away into another County, a *Capias* ſhall be awarded to the Sheriff of that County. *Stat.* 5 *Eliz. ca.* 4. So where Land in one County is chargeable to repair a Bridge in another County. 22 *H.* 8 *ca.* 5.

Proceſs upon the *Stat.* of 5 *&* 6. *Ed.* 6. *ca.* 14. and 5 *Eliz. ca.* 12. concerning Foreſtallers is a *Fieri Facias*, or a *Capias.*

No Proceſs is to be awarded by the Juſtices after Outlawry, but they are to certifie the Outlawry into the King's Bench. *Lamb.*

If the Sheriff returns a *Cepi Corpus*, and hath not the body, he ſhall be amerced, and a Diſtreſs *ad habendum Corpus* ſhall iſſue forth *ad habendum* at a day certain. *Cromp.* 161. *un.* 49.

If a perſon comes in upon the return of a *Capias*, or other Proceſs, and confeſſeth himſelf to be the party, but ſaith he will not appear, the Court ſhall commit him untill he ſhall find Sureties, *&c.* *Cromp.* 161.

If the Jury upon Indictment grounded upon the Statute of 8 *H.* 6. or the like, will not give a Verdict before the Juſtices of Peace, but depart in contempt of the Court, an Attachment ſhall be awarded to bring

bring in their bodies to anſwer to the King for the contempt. *Cromp.* 190.

If a Juſtice of Peace commands a perſon by his precept to appear at the next Seſſions on pain of ten pounds, and the party makes default, an Attachment ſhall iſſue forth againſt him. *Cromp.* 123. *nu.* 9.

No Proceſs ſhall be awarded out of the Quarter-Seſſions for any offence, or other Act depending before the Juſtices of Peace in any of their perticular Courts of privy Seſſions, or for any contempt made to any order granted, or proceſs iſſuing out of the ſaid Courts, unleſs the ſaid Juſtices, before whom the ſaid Seſſions were held, do bind over the Delinquent to anſwer his contempt in the Quarter Seſſions, and there to ſuffer ſuch penalties or Judgments, as the Juſtices in that Court ſhall judge moſt proper to the nature of the offence.

Proceſs

Proceſs upon Indictmments, and Preſentments, taken out of Mr. Lambert, *who collected them out of the old Imprinted Book of the Juſtices of Peace.*

NOte that the Proceſs upon an Indictment of Treaſon or Felony is uſually,

A *Capias.*
An *Alias Capias.*
An *Exigi Facias.*

And in every ſuch *Capias*, there ought to be three weeks ſpace between the date and the return thereof:

The Capias *is thus.*

CAROLUS *Secundus*, *Dei*, &c. *Vicecom. H. ſalutem. Præcipimus tibi quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & Capias* A. B. *de* C. *in dicto Com. Labourer, & eum ſalvo cuſtodiri facias; Ita quod habeas corpus ejus coram cuſtodibus pacis noſtræ, necnon Juſticiariis noſtris ad diverſa Felonias, tranſgreſſiones & alia malefacta, in dicto Com. tuo perpetrata audiendum & terminandum aſſignatis ad proximam Generalem Seſſionem pacis Comitatus tui poſt clauſum Paſchæ proxime futurum tenendam, (ubicunque in eadem Com. teneri contingerit) ad reſpondendum nobis tunc ibidem de quadam Felonia unde indictatus exiſtit. Præcipimus etiam tibi quod non omittas propter aliquam libertatem in Balliva tua prædicta quin diligenter inquiras quæ bona & catalla prædictus* A. B. *habet in Balliva tua, & ea in manus noſtras ſeiſiri Facias, ut ulterius inde fieri poſſit prout de jure & ſecundum legem & conſuetudinem Regni Noſtri Angliæ fuerit faciendum. Et habeas ibi tunc hoc præceptum. Teſte* R. F. *Armigero apud* M. *prædict. in Comitatu prædicto*, 24. *die* Februarii *Anno Regni Noſtri*, &c.

The

The Alias Capias.

CAROLUS *ſecundus*, &c. *Vicecom. H. ſalutem. Præcipimus tibi* (*ſicut alias præcipimus*) *quod non omittas propter aliquam Libertatem in Balliva tua quin eam ingrediaris & capias* A. B. *de* C. *in Com. tuo Labourer.* And ſo word for word, as the *Capias* before, changing the days only.

The Exigi Facias.

CAROLUS *ſecundus*, &c. *Vicecomiti H. ſalutem. Præcipimus tibi quod exigi Facias.* A. B. *de* C. *in dicto Com. Labourer de Comitatu in Comitatum, quouſque ſecundum Legem & conſuetudinem Regni Noſtri Angliæ utlagetur ſi non comparuerit, & ſi comparuerit tunc eum capias & ſalvo eum cuſtodiri facias, ita quod habeas corpus ejus coram cuſtodibus pacis noſtræ, necnon Juſtitiariis noſtris ad diverſa Felonias tranſgreſſiones & alia malefacta in dicto Com. perpetrata audiendum & terminandum aſſignatis ad Generalem Seſſionem pacis Comitatus tui proxim. poſt Feſtum St.* Michaeli Archangel. *proximè futurum tenendam* (*ubicunque in eodem Com. teneri contigerit*) *ad reſpondendum*

nobis de quadam Felonia unde indictatus existit & unde tuipse mandasti coram præfat. Justic. nostris (*tali die*, &c.) *quod præfatus* A. B. *non est inventus in Balliva tua, & habeas tunc ibi hoc breve. Teste* H. C. *Milite apud* H. *in Com. prædict. sexto die Septembris Anno Regni nostri* 34. *Ad quem diem* J. F. *Armiger Vicecom. Comitatus prædict. retornavit quod ad Comitatum suum tentum apud P. quarto die* Maii, *Anno Regni Domini Regis nunc*, &c. (and so shewing the days of his other four Counties) *prædictus* A. B. *exactus fuit & non comparuit & propterea utlegatus fuit.*

The

The Common Proceſs upon other Preſentments not being in Felony, nor ſpecially ſet forth in Statutes, is in that old Book declared to be, firſt,

A Venire Facias, *thus.*

CAROLUS *Secundus*, &c. *Vicecomiti* H. *ſalutem, præcipimus tibi quod non omittas propter aliquam libertatem in Balliva tua, quin Venire Facias* A. B. *de* C. *in dicto Comitatu tuo Yeoman coram cuſtodibus pacis noſtræ necnon Juſticiariis noſtris ad diverſa Felonias tranſgreſſiones & alia malefacta in dicto Com. perpetrata audiendum & terminandum aſſignatis, ad Generalem Seſſionem pacis Comitatus tui proxime poſt*, &c. *ad reſpondendum nobis ſuper quibuſdam Articulis ſuper ipſum* A. B. *præſentatis, & habeas ibi tunc hoc præcept. Teſte*, &c.

And if upon this *Venire Facias* the party be returned ſufficient, then a *Diſtringas* muſt go out, and ſo the ſame Proceſs infinite until the Offender do come in, which is thus.

CAROLUS *Secundus*, &c. *Vicecomiti* H. *ſalutem. Præcipimus tibi quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & Diſtringas* A. B. *de* C. *in Comitatu tuo Yeoman per omnia terras & tenementa*, &c. *Et quod habeas corpus ejus coram præfatis Juſticiariis*, &c. *ad reſpondendum*, &c. *Teſte*, &c.

But if *Nihil habet* be returned at the firſt againſt him, then a *Capias*.

An *Alias Capias*.

A *Pluries Capias*, which hath no change, but the word *Pluries* for *Alias*: And laſtly, an *Exigi Facias* muſt be awarded againſt him.

A *Superſedeas* to ſtay the taking of one that is Indicted of ſome Treſpaſs or Contempt.

CAROLUS *Secundus*, &c. *Vicecom.* H. *ſalutem. Quia* A. B. *de* C. *in dicto Com. tuo Yeoman, venit in Cur. noſtram apud* M. *tali die*, &c. *Coram* R. F. *Armigero & ſociis ſuis cuſtodibus pacis noſtræ ac Juſtic. noſtris ad diverſa Felonias tranſgreſſiones*, &c. *Aſſignatis apud* M. *tali die*, &c. *Et invenit ſufficientes manucaptores eſſendi coram præfatis Juſticiariis ad proximam Generalem Seſſionem pacis in dicto Comitatu tenendam, ad reſpondendum nobis*

nobis de quibuſdam tranſgreſſionibus ſupra ipſum præſentatis: Ideo tibi præcipimus, quod de capiendo præfat. A. B. *ſeu ipſum impriſonando vel eum ea de cauſa aliqualiter moleſtando omnino Superſedeas. Et ſi eum ea de cauſa & non alia ceperis, tunc ipſum ſine dilatione deliberati Facias. Teſte præfato* R. F. *Armigero apud* T. *prædicto Die & Anno*, &c.

A *Superſedeas* to ſtay the *Exigi Facias* upon an Indictment of Felony.

CAROLUS *Secundus*, &c. *Vicecom.* H. *ſalutem. Quia* A. B *de* C. *in dicto Com. tuo Yeoman, venit in Curiam noſtram apud* M. *tali die* &c. *coram* R. F. *Armigero & ſociis ſuis cuſtodibus pacis noſtræ, necnon Juſticiariis noſtris ad diverſa Felonias*, &c. *aſſignatis, ac ſe reddidit priſonæ noſtræ (occaſione quarundam Feloniarum unde coram eis indictatus eſt) ut in eadem moretur ſicut nobis conſtat*: Or thus, *Quia invenit nobis, ſufficientem manucaptionem eſſend. coram præfat. Juſticiariis ad proximam Generalem Seſſionem pacis Comitatu tenendam, ad reſpondendum nobis de quibuſdam Feloniis unde cor. eis indictatus exiſtit. Ideo tibi Præcipimus quod de ulterius exigendo præfatum* A. B. *ad aliquem Comitatum tuum vel eum impriſonando ſive ipſum ea occaſione moleſtando omnino Superſedeas & habeas ibi hoc Breve. Teſte*, &c.

The retorn of a *Certiorari* ſent to remove an Indictment may be thus.

First, upon the backside of the Writ of *Certiorari*, endorse these or the like words.

Executio istius Brevis patet in quadam Schedula eidem Brevi annexa.

And the Schedule may be thus:

Ego A. B. *unus Custodum Pacis ac Justiciariorum Dom. Regis ad Pacem in dicto Com.* H. *conservandam necnon ad diversa Felonias transgressiones & alia malefacta in eodem Com. perpetrata audiendum & terminandum assignatorum, virtute istius Brevis mihi deliberati, indictamentum illud (unde in dicto Brevi fit mentio) una cum omnibus idem Indictamentum tangentibus in Cancellariam dicti Domini Regis distincte, & aperte sub sigillo meo certifico. In cujus Fidem & Testimonium, ego praefatus* A. B. *his praesentibus sigillum meum apposui: Datum die mensis Anno Regni*, &c.

Then take the Record of the Indictment and close it within the *Schedule*, and seal them both together.

Note, That though in the old Book these Process be tested by one Justice of Peace alone, yet if they issue out of a Sessions, they ought to bear Teste under the hands of two Justices, whereof one must be of the *Quorum* by virtue of the Commission of Peace.

The

The Forms of ſome Preſidents, with Direction for others, neceſſary for Juſtices of the Peace and Clerks of the Peace, in reſpect of their general Uſe at the Quarter Seſſions.

An Order to ſave a Pariſh harmleſs of the Charge of a Baſtard Child.

WHereas upon due proof made before us, Sir *R. J.* Baronet, and Sir *H. G.* Knight, two of his Majeſties Juſtices of the County of *Hertford*, whereof one of them being of the *Quorum*, and inhabiting near to the Pariſh Church of *S.* within the ſaid County, as well upon the Oaths of *M. C.* Mother of a Baſtard Child, and *S. R.* Midwife to her in Travail, as by divers other Circumſtances that *R. W.* of the Pariſh of *B.* in the ſaid County, did beget on the Body of the ſaid *M C.* Widow, a Male Baſtard Child, which was lately born in the ſaid Pariſh of *S.* and likely

likely to become chargeable to the ſaid Pariſh, We the ſaid Juſtices adjudge the ſaid *R. W.* to be the reputed Father of the ſaid Baſtard Child, and having regard to the ability and diſability of the ſaid Parties, do order and appoint the ſaid *R. W.* to pay to and for the relief and maintenance of the ſaid Child weekly, and every Week, One pound two ſhillings and four pence to the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *S.* for the time being, or to one of them, for the ſpace of Eight weeks, the firſt payment to commence from *Tueſday* the Six and twentieth day of *January* laſt paſt, and when the ſaid Eight weeks ſhall be expired, from thence forward ſhall pay, or cauſe to be paid weekly, and every week, to the ſaid Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *S.* for the time being, or one of them, the Sum of Two ſhillings and four pence of lawful Money of *England*, towards the Relief of the ſaid Baſtard Child for ſo long time as the ſaid Baſtard Child ſhall be chargeable to the ſaid Pariſh of *S.* And forthwith ſhall give Security to the ſaid Church-wardens and Overſeers of the Poor of the ſaid Pariſh of *S.* for the performance of this Order. Given under our Hands the day of, *&c.*

The Charges of the Woman during the time of her Sickneſs

This Preſident was approved of by the Judges of the Court of Kings Bench.

An

An Order for Rogues and Vagrants.

Hertf. ſſ. *At the General Quarter-Seſſions of the King's Majeſties Peace, holden for the ſaid County at the Town of* Hertford *within the ſaid County, on Monday next after the Feaſt of the Tranſlation of St.* Thomas *the Martyr,* (*to wit*) *the Tenth day of* July *in the Eight and twentieth year of the Reign of our Soveraign Lord* Charles *the Second, by the Grace of God of* England, Scotland, France, *and* Ireland *King, Defender of the Faith, &c. and in the year of our Lord God* 1676. *before the Juſtices of our Soveraign Lord the King aſſigned to keep the Peace within the County aforeſaid, and alſo to hear and determine divers Felonies, Treſpaſſes, and other Offences committed within the County aforeſaid; amongſt other things it is Ordered as followeth.*

FOraſmuch as the Grand Inqueſt has informed this Court, that the daily concourſe

courſe and great increaſe of Rogues, Vagabonds, and ſturdy Beggars, is a great Grievance and Annoyance to the Inhabitants of this County; and through the Negligence or Ignorance of thoſe Officers who have been intruſted in this Concern, they are now grown ſo inſolent and preſumptuous, that they have oft by Threats and Menaces extorted Money and Victuals from thoſe who live in Houſes remote from Neighbours, whilſt their Husbands and Servants have been imployed abroad in the management of their lawful Vocations; and have put the People into a general conſternation or fear that they will fire their Houſes, or ſteal their Goods: The conſequences whereof may prove very dangerous to this County, if not timely prevented: Wherefore this Court taking into their ſerious conſideration, what Remedies may be moſt properly applied to theſe growing Miſchiefs, do order and command all Chief-Conſtables, Petty-Conſtables, Headboroughs, Tithingmen, and all other Officers herein concerned, that they do forthwith cauſe all the Laws and Statutes heretofore made againſt Rogues, Vagabonds, and ſturdy Beggars, wandring and idle Perſons, to be put in execution. And to that end it is hereby Ordered,

1. That all High-Conſtables, Petty-Conſtables, Headboroughs, Tithingmen, and other Officers herein concerned, ſhall within their reſpective Towns, Villages, Pa-

riſhes,

rishes, or Hamlets within this County, according to the number of People there, appoint two or more sufficient Inhabitants to Watch and Ward both Day and Night, who shall examine and secure all Strangers and suspected persons, that shall walk or travel by day or night, and cannot give a satisfactory reason for their so doing; that they may be brought before some Justice of Peace, to be examined and dealt withal according to Law: And if any such person shall resist or fly away, that then such Watchmen shall forthwith send Hue and Cry after them; upon which every person may arrest them: And if any Constables, Headboroughs, Tithingmen, or other Officers, shall neglect to keep such Watch and Ward in their several Precincts, they shall be severely punished at the Quarter-Sessions for their Contempt. Stat. 13 Ed. 1. ca. 4. 5 Ed. 3. ca. 14. 5 H. 4. ca. 3.

2. That all High-Constables, Petty-Constables, Headboroughs, Tithingmen and Watchmen, shall within their several and respective Limits, make privy search once every week (and oftner if need be) in Ale-houses, Victualing-houses, Barns, and all other suspected places, in the night time, for the finding out and apprehending of Rogues, Vagabonds, wandring and idle Persons; and they shall also apprehend and secure all Rogues, wandring and idle Persons, who travel with forged and counterfeit Passes in the day time, and all such Persons which they shall apprehend in any such search, Stat. 7. Ja. ca. 4.

ſearch, or ſhall take begging, wandring, or miſordering themſelves, the Conſtables, Headboroughs or Tithingmen, being aſſiſted with the Miniſter and ſome other of the Pariſh, ſhall cauſe to be ſtripped naked from the middle upwards, and to be openly whipped till their Bodies ſhall be bloody.

Stat. 39. Eliz. ca. 4.

3. That the Conſtables, Heaboroughs, and Tithingmen, ſhall ſtrictly examine all and every perſon and perſons, who ſhall produce any Teſtimonial or Paſs to travel to any particular place within this Realm; And if they ſhall find that any ſuch Teſtimonial or Paſs, be not ſigned under the hand and ſeal of ſome Juſtice of the Peace of ſome County, or the Mayor or Head-Officer of ſome Town Corporate, or the Conſtable of ſome Pariſh, or the Miniſter, Headborough or Tithingman of ſome Pariſh from whence the party came, or any two of them; or if the party be not in the direct Road homewards, or within the time limited by the Teſtimonial or Paſs, or that the party begs (by the way) of any perſon: ſuch perſon thus offending in any of theſe caſes, ſhall be whipped as aforeſaid.

Stat. 9. Eliz. ca. 4.

4. When any Rogue, Vagabond, or ſturdy Beggar hath been whipped, the Miniſter, Conſtable, Headborough, or Tithingman of the Pariſh where he was ſo whipped, or any two of them, ſhall give him a Paſs or Teſtimonial under their hands & ſeals; which may be after this form: Hertf.

Hert. ſſ. J. S. *a ſturdy vagrant Beggar, (of tall or low perſonage, .. hair'd,* &c. and ſo deſcribe him and his marks) *aged about years, was this day of in the year of the Reign of our Sovereign Lord King* Charles *the Second of* England, *&c. openly whipped at in the ſaid County, according to Law, for a wandring Rogue, and is aſſigned to paſs forthwith from Pariſh to Pariſh, by the Conſtables thereof, the next ſtreight way to in the County of where he confeſſeth he was born, (or dwelt laſt by one whole year,* &c. (if the caſe be ſuch) *and he is limited to be at aforeſaid within days now next enſuing at his peril: And the Conſtables of every Town where he ſhall come, are required to allow him neceſſary Relief for his paſſage, and to help him with Lodging, ſo that he travelleth the next way to aforeſaid, not doing any thing contrary to the Laws and Statutes of this Realm. Given at under the hands and ſeals of* A. B. *Rector of the Pariſh Church, and* C. D. *Conſtable of the ſame Pariſh.*

In the Paſs or Teſtimonial the Officers muſt declare a deſcription of the Perſon, teſtifie the day and time of his puniſhment, and appoint the place whither he muſt go, and the time limited for his paſſage: And if he or any other ſuch Offender, by their own default, exceed the time limited by any ſuch Teſtimonial or Paſs, they ſhall from time

time to time receive the like punishment. And the Minister of every such Parish shall Register every such Testimonial, upon the penalty of five shillings.

Stat. 39 Eliz. ca. 4.

5. When such Testimonial is thus made, every Rogue, Vagabond, or sturdy Beggar, shall be forthwith sent from Parish to Parish, by the Officer of every respective Parish, through this County the next straight way to the place of his birth; and if that cannot be known, then to the Parish where he last dwelt for the space of one whole year before the same punishment, there to be set on work; and if that cannot be known, then to the Parish through which he last passed without punishment, and the Officer of that Parish shall convey the party to the House of Correction, or to the Common Gaol of the County, there to be imployed in work, untill he shall be placed in some service, for the space of one year; or not being able of body, untill he shall be placed in some Alms-house in the County.

Stat. 14. Car. 2. ca. 12. Stat. 1. Jac. ca. 7.

6. When any Rogue, Vagabond, or sturdy Begger, shall be brought by an Officer to any parish with such Testimonial or Pass, the Constable there shall give him necessary relief for his passage, and then convey him, by himself or some other person, to the Officers of the next Parish in the way to the Parish directed by the Testi-

Teſtimonial or Paſs: And if any Conſtable, Headborough or Tithingham, be negligent and do not his beſt endeavour to apprehend ſuch Vagabond, Rogue, ſturdy Beggar, idle or diſorderly Perſon, and cauſe him to be puniſhed and conveyed away as aboveſaid, he ſhall forfeit twenty ſhillings for every ſuch offence: And if any perſon whatſoever ſhall hinder the puniſhment or conveying of any Rogue, or ſhall make Reſcous againſt any Officer, or hinder the Execution of theſe Laws, he ſhall forfeit for every ſuch offence five pounds, and ſhall be bound to the Good behaviour. Stat. 39 Eliz. ca. 4.

7. That if any ſuch Rogue be incorrigible, and ſhall ſeem dangerous, or will not be reformed of his Roguiſh life, then the Conſtables, Headboroughs or other Officers, ſhall convey him to ſome Juſtices of the Peace, to be committed to the Houſe of Correction. Stat. 39 Eliz. ca. 4.

8. That the Conſtables, Headboroughs or Tithingmen ſhall give neceſſary relief, and provide Lodging for Impreſt Souldiers, or Sea-faring men ſuffering Shipwreck, not having wherewithall to releive themſelves, in their travels homewards; and having a Teſtimonial under the hand and ſeal of ſome Juſtice of the Peace, of or near the place where they landed, declaring the place and time of their landing, the place of the Parties dwelling or birth unto Stat. 39 Eliz. ca. 4.

which they be to paſs, and the time limited for their paſſage; ſo that ſuch Sea-faring men be in their direct way homewards, and within the time limited for their paſſage; and that no Conſtable or other Officer give relief to any other perſons then thoſe that have been whipped, or otherwiſe qualified as aforeſaid,

Stat. 30 Eliz. ca. 17.

9. If any Souldiers or Mariners fall ſick in their paſſage home, they ſhall be excuſed though they exceed the time limited in their Teſtimonial, ſo that they perform their Journey in convenient time after their Recovery.

Stat. 39 Eliz. ca. 17.

10. That wandring Souldiers and Mariners, and all other wandring as Souldiers or Mariners, who will not ſettle themſelves to work, or have not a Teſtimonial under the hand of ſome Juſtice of the Peace near the place of their landing, declaring the place where they landed, the place whether they are to paſs, and the time of their paſſage, or exceeding the time limited above 14 days, or having a counterfeit Teſtimonial; Shall in all theſe caſes ſuffer as Felons, without benefit of Clergy.

Stat. 1 Jac. ca 7.

11. The Conſtables, Deputy-Conſtables, Headboroughs and Tithingmen ſhall go from houſe to houſe, and give notice to every Houſholder in perſon, within their reſpective limits, that they take care, that

that neither they nor any of their Servants ſhall from thenceforth relieve any Rogue, Vagabond, or ſturdy Beggar, wandring or diſorderly Perſon, or any other Perſon (unleſs poor Inhabitants of the ſame Pariſh, licenſed to beg by the Officers) who ſhall happen to beg at any of their houſes, but if they ſee or know of any ſuch perſon to beg, they ſhall forthwith ſend or convey him to the Conſtable, Deputy-Conſtable, Headborough or Tithingman, in order to be whipped according to Law, upon the penalty of 10 *s.* for every ſuch offence, and to be proſecuted for the ſame at the next Quarter-Seſſions.

12. That no Houſe-keeper or other perſon whatſoever, ſhall permit or ſuffer any Rogue, Vagabond, ſturdy Beggar, wandring or diſorderly Perſon, to lodge or abide within their Houſes, Barns or Outhouſes, near home or remote in the Fields, but upon knowledge thereof, they ſhall forthwith give notice to the Conſtables, Headboroughs, or other Officers of the ſame Pariſh, to the intent that ſuch Offenders may be puniſhed according to Law; upon pain that every Houſe-keeper or other perſon ſo offending, ſhall forfeit 10 *s.* for every ſuch offence. Stat. 1 Jac. ca. 7.

13. That if any Alehouſe-keeper or Victualler ſhall from henceforth relieve or entertain, lodge or harbour in their Victualling-

alling-houſes any Rogues, Vagabonds, ſturdy Beggars, wandring or diſorderly Perſons, without ſpecial order from the Conſtable, Headborough or Tithingman of the ſame Pariſh, their Victualling-houſes ſhall be ſuppreſt, and they ſhall be further deal't withall according to Law.

Stat. 14 Car 2. ca. 12.

14. That every perſon who ſhall bring any Rogue, Vagabond or ſturdy Beggar, before any Juſtice of the Peace, ſhall have two ſhillings allowed him for his pains, to be paid by the Conſtable of the Pariſh through which ſuch Rogue laſt paſſed unpuniſhed, and ſuch Juſtice of the Peace is deſired to grant a Warrant to levy the ſame.

15. That the Conſtables of every reſpective Pariſh ſhall not charge nor compell the Inhabitants of any Village, Town, Pariſh or Hamlet, to pay any money to their Rates concerning Impreſt Souldiers, Mariners, Rogues, Vagrants, or other diſorderly perſons, then to the uſes expreſſed as aforeſaid; And if they do, the ſame ſhall not be allowed upon their Accompt.

Stat. 7 Jac. ca. 4.

16. That all chief-Conſtables, Petty-Conſtables, Headboroughs, Tithingmen, and all other Officers herein concerned, ſhall uſe their utmoſt endeavours to execute theſe Laws, and ſhall give an accompt upon Oath in writing under the hand of the Miniſter

Miniſter of every reſpective Pariſh, to the Juſtices of the Peace at their meetings for their reſpective Diviſions; And in default of ſuch meetings, to the Juſtices at the next General Quarter-Seſſions; what Rogues, Vagabonds, wandring or diſorderly Perſons they have apprehended, and how many they have puniſhed, upon the penalty of forty ſhillings for every ſuch offence: And moreover they ſhall alſo preſent at the next General Quarter-Seſſions, all Houſe-keepers, Alehouſe-keepers or Victuallers, who have releived at their doors, or have lodged or harboured in their Houſes, Out-houſes or Barns, any ſuch Rogues, Vagabonds, or ſturdy Beggars, to the intent they may be proſecuted there according to Law; And that in the mean while they cauſe all theſe Laws and Directions to be publickly read in their reſpective Parochial Churches, or at the Church-door, and to be Regiſtred in their reſpective Pariſh-books, there to be kept and preſerved for the better Information and Example of thoſe that ſhall ſucceed them.

By the Court.

J. Chauncy, Dep' Cler' Pac'.

A Presentment of a Decayed Bridge.

Juratores pro Domino Rege dicunt & super superſacramentum eorum præſentant quod Pons publicus & communis ſitus in alta Regia via ſuper Flumen de M. infra parochiam de A. in Com. præd' communiter vocat' A Bridge, eſt & per aliquos annos jam proximè lapſos fuit valde ruinoſus, & in maximo decaſu ob defectum reparacon' adeo ut ſubditi dicti Domini Regis inſuper trans vel ultra dictum pontem per ſe, vel cum eorum equis bigis aut careagiis ire redire aut tranſire ſine magno vitæ diſcrimine non audent aut poſſunt, ad commune nocument' omnium vicinorum & compatriatarum in dicto Com' habitantium, quorum intereſt ratione negotiorum ſuorum illac tranſire. Et ulterius quod prorſus neſcitur quæ perſonæ quæve terræ tenementa aut corpora corporata & politica eundem pontem, aut aliquam inde parcellam ex Jure aut ex antiqua conſuetudine reficere & reparare debent aut conſueverunt. Lambert Eirenarcha.

A Presentment of an High-way upon the view of a Justice of Peace.

MEmorandum quod vicesimo nono die Septemb. Anno Regni Domini nostri Caroli *secundi Dei gratia, &c. Ego* H. C. *Armiger' unus Justic' dicti Domini Regis ad Pacem in Com' præd' conservand' assign' in propria persona mea accessi ad altam regiam viam infra Parochiam de* A. *& quod pars Regiæ viæ præd' extenden' in longitudine quatuor virgat' ab* B. *ad* C. *& in latitudine duas virgatas vicessimo nono die Septemb. præd' fuit & adhuc est valde nociva, & in decasu ob defectum Reparationis & Emendationis ejusdem, ita quod ligei Dicti Domini Regis qui per viam illam cum eorum equis curris & cariagiis ire redire aut transire sine magno vitæ discrimine non audent aut possunt ad grave & commune nocumentum omnium ligeorum subditorum dicti Domini Regis quorum interest ratione negotiorum suorum illac transire, & quod Inhabitantes de parochia præd' A. reparare & emendare viam præd' debent quoties & quando necesse fuerit.*

The Lord Coventry's *Letter to the Juſtices of Peace in every County, containing Directions concerning Briefs for Loſſes by Fire, with a Certificate thereupon.*

AFter my very hearty Commendations: Complaint hath come unto me from many parts of the Kingdom concerning Collections obtained from me for Loſſes by Fire and other Caſualties: For my ſelf I may truly affirm, That it hath been my conſtant Courſe to paſs none but upon Certificate from the Aſſizes and Quarter-Seſſions; ſo as unleſs the Juſtices of the Peace, giving Credit to the Certificate of Neighbours or others in favour of the Parties damnified, be ſometimes miſled, and do alſo miſlead me, I cannot bethink my ſelf what grounds there ſhould be of a Complaint: Nevertheleſs, to prevent as far forth as may be, all further miſtakings in this kind; I have thought fit, Firſt, to continue my former Courſe not to grant any Collections with Certificates from the Aſſizes or Seſſions. Secondly, not to grant them upon any Certificate, unleſs it be agreed on and ſigned in open Court at the Aſſizes or Seſſions, and not upon any Col-

lection of Hands out of Court. Thirdly, not to grant them upon any Certificate, unleſs it contain that the Party himſelf, or two or more able Inhabitants of the Pariſh or Place where the loſs or Caſualty hapned, whoſe names are alſo to be ſet down in the ſaid Certificate, have by Oath taken in open Court at Aſſizes or Seſſions, verefied that the Damage ſuſteined by the Parties for whom the Collection is required, doth amount to ſo much in value at the leaſt as ſhall be mentioned in the ſaid Certificate. Fourthly, not to grant them upon any Certificate, unleſs it contain, That the Parties themſelves, or thoſe two or more able Inhabitants have verified upon Oath in open Court that the Parties are not, without help of the Collection, any ways able to ſuſtain themſelves, but muſt fall into Beggery or want; for it is not my meaning to trouble the Kings People with Collections to make up the loſs ſuſtained by ſuch as are able to live of themſelves without ſuch help. Fifthly, not to grant them upon any Certificates, unleſs it contain, that the Juſtices have taken Bond to remain amongſt the Records of the Seſſions, that no part of the Money Collected ſhall be applied to the benefit of any Landlord or other Perſon of Ability, either in Rebuilding his Houſe or otherwiſe. For I ſhould not think fit, that when the Houſe of any ſuch man is decayed by Fire, Tempeſt, or other like, by Collection in the name of a poor Undertenant, to have it re-edified for the good of him

him that is able to do it at his own charge. Laſtly, that the Certificate contain that Bond is taken alſo that the Party ſhall not put over his Collection to any other; for I have found inconvenience in it, that ſome evil minded men, for a little money given to the poor man that is ſuiter for a Collection, getteth him to turn over the whole benefit of it, ſo that the Money which the King's Subjects believe they beſtow in Alms and Charity towards the Poor man, is put into the Purſes of them that deſerve nothing but puniſhment. I have therefore thought good to advertiſe you of theſe my Reſolutions to reform that which hath been complained of, and to pray you that from henceforth in the making Certificates for ſuch Collections, you will either follow theſe Directions; or where you find the Suiter not willing to conform hereunto, that you will forbear to certifie. And if any other Remedy to be added unto theſe fall into your Conſideration, who beſt know the Complaints of the Country thereabouts, I ſhall take it very kindly that you will advertiſe me thereof: And withal, I deſire you to be very careful to puniſh all ſuch as go about with Counterfeit Briefs, deceiving the King's People; for I do aſſure you, that ſince I have had the Keeping of the Seal, ſeldom or never have above Eight Collections in one year gone into any Shire of this Kingdom, and into moſt Shires not near that number: And yet I have been Informed that a far greater number

ber have been preſſed upon the Country. And I deſire you that the Clerk of the Peace may be Commanded by you to keep this Letter, and from time to time, as occaſion ſhall be, to put you in mind thereof. And ſo not doubting of your readineſs to joyn with me in rectifying what is amiſs, I reſt

Your ever loving Friend,

From *Canbury* the 2d of *September*, 1637.

T. C.

The

The Form of a Certificate for a Brief upon a Loſs ſuſtein'd by Fire.

To the Right Honourable H. *Earl of* Nottingham, *&c. Lord Chancellor of* England.

WE his Majeſties Juſtices of the Peace for the County of *H.* do certifie your Lordſhip, That at his Majeſties Court of General Quarter Seſſions of the Peace holden for the ſaid County of *H.* on Munday the Ninth day of *January* laſt paſt, it did then and there appear unto us the ſaid Juſtices ſitting in open Court, as well upon the Oaths of *J. T.* and *J. R.* Carpenters, and *R. S.* and *D. B.* Bricklayers, as alſo upon the Oaths of *R. B.* and *S. T.* two of the moſt ſubſtantial Inhabitants of the Town of *R.* within the ſaid County of *H.* that on *Thurſday* the 13th day of *July* laſt paſt, about three of the Clock in the Afternoon of the ſame day

a

a ſudden and terrible Fire did break forth at the ſaid Town of *R.* which by reaſon of the fierceneſs thereof burnt to death two Perſons, and within the ſpace of three hours burnt down and conſumed the dwelling Houſes, Barns, Stables and Out-houſes of above fifty of the ſaid Inhabitants of the ſaid Town of *R.* together with the Market-Houſe and Shambles, and that the whole loſs ſuſtained thereby did amount to Five thouſand pounds and upwards, ſo that the ſaid Inhabitants, with their Families, are totally impoveriſhed, and are no ways able to ſubſiſt, but muſt neceſſarily periſh, unleſs they ſhall be timely relieved by the Charitable Benevolence of well-diſpoſed People. And we do further Certifie, That we have taken Bond of ſeveral of the Inhabitants, that no part of the Money collected ſhall be applyed to the benefit of any Landlords, or other Perſon of Ability, either in Rebuilding his Houſe, or otherwiſe; nor that the ſaid Inhabitants ſhall put over their Collection to any other.

The

The Form of a Record for the Conviction of Conventiclers the first Offence.

Hertf. ſſ. *Memorandum quod ſexto die Februarij Anno Regni Domini noſtri* CAROLI *ſecundi Dei gratia Angl' Scotiæ Franc' & Hiberniæ Regis fidei Defenſor' &c. triceſimo quarto* B. C. *de Paroch' Y. in Com' Hertf. præd' Gen. &* R. B. *de eadem Paroch' in Com' præd' Gen' venerunt coram me* H. C. *Mil' uno Juſtic' dicti Domini Regis Ad pacem pro & infra Com' præa' conſervana' aſſign' apud* Y. *præa' in Com' præd' & ipſi ſuperinde adtunc & ibidem debite jurat' exiſten' coram Juſtic' præd' tam per Sacramentum prædictorum* B. C. *&* R. B. *quam per notoriam Eviden' facti tunc & ibidem mihi Juſticiar' præa' manifeſte apparuit quod* J. S. *de Paroch' Y. præd' yeoman* A. B. *de eadem Paroch' yeoman, &* C. D. *de eadem Paroch' yeoman ipſi & quilibet eorum ætat' Sexdecim Annorum & amplius & ipſi & quilibet eorum Subditi dicti Domini Regis tunc exiſten' Decimoquinto die Januarij Anno Regni dicti Domini Regis xxxiii^tio præſent' fuerunt & illicite congregaverunt in quod' Convent' & Aſſemblation' apud*

&

& in Domo manſional' cujuſd' J. E. infra Paroch' de Y. præd' in Com' præd' ſub colore exercendi Religion' in al' modo quam Liturg' & uſus Eccleſiæ Anglicanæ Ad quam quidem Conventiculam & Aſſemblation' diverſi alij Malefactores & Pacis dicti Domini Regis perturbatores ignot' ad numerum viginti perſonar' & amplius præter perſonas de Familia ejuſdem J. E. Aſſemblati fuerunt contra Pacem dicti Domini Regis & contra formam Statut' in hujuſmodi caſu edit' & proviſ. & ideo præd' J. S. A. B. & C. D. tunc & ibidem ſcil. præd' ſexto die Februarij Anno triceſimo quarto ſupradicto coram me Juſtic' præd' de offenſis præd' convicti ſunt & quilibet eorum convict' eſt: Et ideo finis cujuſlibet dictor' J. S. A. B. & C. D. ſeparatim per ſeipſos pro offenſis præd' per me Juſtic' præd' imponitur & aſſeſſat' ad quinque ſolid'. In cujus rei Teſtimonium ego H. C. præfat' Juſticiar' tunc præſenti Recordo manum & ſigillum meum apposui. Dat' apud Y. præd' die et Anno primo ſupradict'.

The

The Form of a Record for the Conviction of the Preacher of a Conventicle for the first Offence.

Hertf. ſſ. MEmorandum quod vj. die Februarij Anno Regni Domini noſtri CAROLI ſecundi Dei gratia Angl' Scotiæ Franc' & Hiberniæ Regis Fidei Defenſor' &c. triceſimo quarto B. C. de Paroch' Y. in Com' Hertf. præd' Gen' & R.B. de eadem Paroch' in Com' præd' Gen' venerunt coram me H. C. Mil' uno Juſtic' dicti Domini Regis Ad pacem pro & infra Com' præd' conſervand' aſſign' apud Y. præd' in Com' præd' & ipſi ſuperinde adtunc & ibidem debite jurat' exiſten' coram me præfat' Juſtic' tam per Sacramentum prædictorum B.C. & R. B. quam per notoriam Evidentiam fact' tunc & ibidem mihi Juſticiar' manifeſte apparuit quod decimoquinto die Januarij Anno Regni dicti Domini Regis triceſimo quarto apud & in Domo manſional' cujuſdam J. E. infra Paroch' de Y. in Com' præd' W. H. de Paroch' de W. in Com' præd' Clericus J. S. de Paroch' de Y. præd' in Com' præd' yeoman A. B. de eadem Paroch' yeoman C. D. de eadem paroch' ycoman & diverſi

versi alij Malefactores & Pacis dicti Domini Regis perturbatores ignot' ad numerum vigint' personar' & amplius præter personas Familiæ ejusdem J. E. *se assemblaverunt & congregaverunt sub colore exercendi Religion' in al' modo quam secundum Liturgiam & usum Ecclesiæ Anglican' & quod præd'* W. H. *in eodem Conventiculo & Assemblatione præd' tunc & ibidem illicite voluntarie & contemptuose super se assumpsit prædicare & docere & tunc & ibidem prædicabat & docebat Anglice* **did preach and teach** *contra Pacem dicti Domini Regis & contra formam Statut' in hujusmodi casu edit' & provis. & præd'* W.H. *tunc & ibidem scil. præd' triceſimo prime die Januarij Anno Regni dicti Domini Regis triceſimo quarto ſupradicto coram me præfat' Juſticiar' de offens. prad. convict' eſt. Et ideo finis præd'* W.H. *& offens. præd' per me præd' Juſticiar' imponitur & aſſeſſatur ad vigint' libras legalis monet' Angl' In cujus rei Teſtimonium Ego* H. C. *præfat' Juſticiar' huic præſenti Recordo monum & ſigillum meum apposui Dat' apud* Y. *præd' die & Anno primo ſupradict'.*

The Form of a Record for Convicting a Perſon who ſhall ſuffer a Conventicle in his Houſe for the firſt Offence.

Hertf. ff. MEmorandum quod Sexto die Februarij Anno Regni Domini CAROLI Secundi Dei gratia Angl' Scotiæ Franc' & Hiberniæ Regis Fidei Defenſor' &c. triceſimo quarto B.C. de Paroch' Y. in Com' Hertf. præd' Gen' & R.B. de ead' Paroch' in Com' præd' Gen' venerunt Coram me H. C. Mil' uno Juſtic' dicti Domini Regis ad Pacem pro & infra Com' præd' conſervand' aſſign' apud Y. præd' in Com' præd' & ipſi ſuperinde adtunc & ibidem debite jurat' exiſten' coram me Juſticiar' præfat' tam per Sacramentum præd' B. C. & R. B. quam per notoriam eviden' facti tunc & ibidem Juſticiar' præd' manifeſte apparuit quod J. E. de Paroch' Y. in Com' Hertf. præd' Yeoman Decimoquinto die Januarij Anno Regni dicti Domini Regis triceſimo tertio ſcienter & voluntarie in Domo ſua mancional' in Paroch' Y. in Com' præd' exiſten' permittat' J. S. de Paroch' Y. præd' Yeoman A. B. de eadem Paroch' Yeoman & C. D. de eadem Parochia Yeoman & diverſi alij malefactores

&

& Pacis dicti Domini Regis perturbatores ignot' ad numerum vigint' personar' & amplius præter personas Familie ipsius J. E. *se assemblare & Congregari & ipsi seſe assemblaver' & congregaverunt ſub Colore exercend' Religior' in alio modo quam ſecundum Liturgiam & uſum Eccleſiæ Anglican' contra Pacem dicti Domini Regis & contra formam Statut' in hujuſmodi caſu edit' & proviſ. Et præd'* J. E. *tunc & ibidem ſcilicet præd' ſexto die Febr' Anno Regni dicti Domini Regis triceſimo quarto præd' coram me præfat' Juſtic' de offenſ. præd' convict' eſt Et ideo finis præd'* J. E. *pro offenſ. præd' per me Juſticiar' præfat' imponitur & aſſeſſatur ad vigint' libras legalis monet' Angl' In cujus rei Teſtimonium &c.*

The Form of a Warrant upon the Conviction of Conventicles for the firſt Offence.

To all Conſtables, Headboroughs, Tithingmen, Churchwardens, and Overſeers of the Poor of of the Pariſh of Y. *in the County of* H. *and to every of them.*

Hertf.ſſ. WHereas *A.B.* of your ſaid Pariſh, Yeoman, *C. D.* of the ſame, Husbandman, *E. H.* of the ſame, Husbandman, *&c.* ſtand lawfully Convicted at *Y.* aforeſaid, before me *H. C.* Kt. one of his Majeſties Juſtices of the Peace for the ſaid County of *Hertford*, for that they, and every of them, being of the ſeveral Ages of Sixteen years and upwards, and Subjects of this Realm, on *Friday* the 17*th* day of *February* Inſtant, within the dwelling Houſe of *G. H.* within the ſaid Pariſh, were preſent at an unlawful Aſſembly, Conventicle or Meeting, under colour

or

or pretence of exerciſing Religion in other manner then according to the Liturgy and Practice of the Church of *England*; at which Conventicle, Meeting, or Aſſembly, there were to the number of Twenty perſons and more over and above thoſe of the Houſhold Family of the ſaid *G. H.* contrary to the form of the Statute in that caſe made and provided, for which ſaid Offence the ſeveral Fines of Five ſhillings a piece be Impoſed reſpectively upon the ſaid *A. B. C. D.* and *E. F.* according to the Statute in that caſe made and provided for. Theſe are therefore to will and require you, and in his Majeſties name ſtreightly to charge and command you, that you, or ſome of you, ſhall forthwith Levy by Diſtreſs and Sale of the reſpective Goods and Chattels of the ſaid *A. B. C. D. E. F. &c.* the ſaid ſeveral Fines of Five ſhillings a piece impoſed upon them reſpectively, as aforeſaid. And the ſaid reſpective Fines ſo levied, you ſhall bring unto me, to the intent that the ſame may be diſtributed according to the direction of the Statute aforeſaid. And hereof you ſhall not fail, as you will anſwer the contrary at your perils. Given under my Hand and Seal this 18*th* day of *February*, in the 34*th* Year of his Majeſties Reign *Annoque Domini*

The Form of a Record for Convicting Conventiclers for the ſecond Offence.

Hertf. ſſ.

MEmorandum quod cum ſexto die Febr. Anno Domini noſtri CAROLI *Secundi Dei gratia Angl' Scot' Fran' & Hiberniæ Regis Fidei Defenſor' &c. triceſſimo quarto* B. C. *de parochia* Y. *in Com' Hertf. præd' Gen. &* R. B. *de eadem parochia in Com' præd' Gen' venerunt coram* H. C. *Mil' adtunc uno Juſtic' dicti Domini Regis ad Pacem conſervand' pro & infra Com' præd' conſervand' aſſign' apud* Y. *præd' in Com' præd' & ipſi ſuperinde adtunc & ibidem debite jurat' exiſten' coram præfat' Juſtic' tam per Sacramentum præd'* B. C. *&* R. B. *quam per notoriam evidentiam facti tunc & ibidem Juſticiar' præd' manifeſtè apparuit quod* J. S. *de parochia* Y. *præd' yeoman* A. B. *de eadem parochia yeoman &* C. D. *de eadem parochia yeoman & quilibet eorum tunc exiſten' ætatis ſexdecim annorum & amplius & ipſi & eorum quilibet ſubdit' dicti Domini Regis adtunc & ibidem exiſten' decimo quinto die Januarij Anno Regni dicti Domini Regis triceſſimo tertio præſentes fuerunt & illicite congregaverunt in quodam Conventiculo & Aſſem-*

Assemblatione apud & in Domo Mansionali cujusdam J. E. *infra parochiam* Y. *præd' in Com' præd' sub colore exercendi Religionem in alio modo quam secundum Liturgiam & usum Ecclesiæ Anglican' Ad quam quidem Conventiculam & Assemblation' diversi alij malefactores & pacis dicti Domini Regis perturbatores ignoti ad numerum viginti personarum & amplius præter personas de Familia ejusdem* J. E. *assemblati fuerunt contra pacem dicti Domini Regis & contra formam Statut' in hujusmodi casu edit' & provis. Cumque præd'* J. S. A. B. & C. D. *tunc & ibidem scilicet præd. sexto die Febr. tricessimo quarto supradict' coram prafat' Justic' de offens. præd' convicti fuerunt & quilibet eorum convict' fuit Et ideo Finis cujuslibet dictorum* J. S. A. B. & C. D. *adtunc separatim per seipsos pro offens. præd' per præfat' Justic. imponitur & assessatur ad quinque solidos. Cumque etiam scil. decimo quinto die Febr. Anno tricessimo quarto supradicto* E. L. *de parochia* W. *in Com' præd. Scissor. &* R. S. *de eadem parochia Labourer venerunt coram me* J. W. *Arm. uno Justic' dicti Domini Regis ad pacem pro & infra Com' præd. conservand' assign' apud* K. *præd. in Com' præd. & ipsi superinde adtunc & ibidem debite Jurat' existen' coram me præfat' Justic' tam per Sacramentum præd.* E. L. & R. S. *quam per notoriam eviden' facti tunc & ibidem Justiciar' præd. manifeste apparuit quod præd.* J. S. A. B. & C. D. *& quilibet eorum tunc ætat. sexdecim annorum & amplius & eorum uterque subditi dicti Domini Regis adtunc & ibidem existen' dicto decimo quinto die Febr. anno supradict' præsentes fuerunt as-*

ſemblaverunt & illicite congregaverunt in quodam Conventiculo & Aſſemblatione apud & in Domo Manſionali cujuſdam R. W. *infra parochiam de* W. *præd. in Com' præd. ſub colore exercendi Religionem in alio modo quam ſecundum Liturgiam & uſum Eccleſiæ Anglican' Ad quam quidem Conventiculam & Aſſemblation' diverſi alij malefactorts & pacis dicti Domini Regis perturbatores ignoti ad numerum viginti perſonarum & amplius præter perſonas de Familia ejuſdem* R. W. *aſſemblat' fuerunt contra pacem dicti Domini Regis & contra formam Statut' in hujuſmodi caſu edit' & proviſ. Et præd.* J.S. A.B. & C.D. *tunc & ibidem ſcilicet præd. decimo quinto die Febr. Anno triceſſimo quarto ſupradict' coram me præfat. Juſtic' de offenſ. præd. convicti ſunt & quilibet eorum convictus eſt. Et ideo Finis cujuſlibet dictorum* J.S. A.B. & C.D. *ſeparatim per ſeipſos pro offenſ. præd. per me præfat. Juſticiar' imponitur & aſſeſſatur ad decem ſolidos In cujus rei Teſtimonium &c.*

Note, That in every Conviction for the ſecond Offence the firſt Conviction muſt be recited, that it may appear upon Record that the Offender was formerly Convicted, otherwiſe it would be Error in the Juſtice of Peace to Aſſeſs the Penalty inflicted by the Statute upon the Offender for the ſecond Offence.

The

The Form of a Preſentment for not coming to the Pariſh Church.

Juratores pro Domino Rege ſuper Sacramentum ſuum præſentant quod J. F. *de parochia Sancti Olavi infra Villam & Burgum de Southwark in Com. Surr. Glovemaker primo die Februarij Anno Regni Domini* CAROLI *Secundi nunc Regis Angliæ triceſimo ſecundo exiſtens Ætatis ſexdecim Annorum & amplius non acceſſit ad Eccleſiam ſuam parochialem de parochia Sancti Olavi prædict' nec ad aliquam aliam Eccleſiam Capellam ſive uſualem locum Communis Precationis nec ibidem fuit præſens tempore Communis Precationis ad aliquod Tempus infra ſpatium duodecim menſium extunc prox' ſequen'. ſed abſtinuit ab eiſdem à prædicto primo die Februarij Anno ſupradicto per ſpatium duodecim menſium integrorum extunc prox' ſequen' in contempt' Legum hujus Regni Angliæ manifeſtum contra formam Statuti in hujuſmodi caſu edit' & proviſi Et contra pacem dicti Domini Regis nunc Coronam & dignitat' ſuas &c.*

Villa & Burgus de Southwark in Com' Surr'

The

The Form of a Preſentment againſt one pretending to be in Holy Orders not qualified according to the Acts of 14 and 17 *Car.* 2.

Villa & Burgus de Southwark in Com' Surr'

Juratores pro Domino Rege præſentant quod N. V. *nuper de Parochia Sancti Olavi infra Villam & Burgum de Southwark in Com' Surry Clericus prætendens ad Sacros Ordines xiij° die Novembris Anno Regni Domini* CAROLI *Secundi nunc Regis Angliæ &c. triceſimo tertio venit & fuit apud Parochiam prædict' infra Burgum de Southwark prædict' Qui quidam Burgus mittit Burgos ad Parliamentum prædictus* N. V. *nunquam declarans Anglice* not having declared *ſincerum ejus aſſenſum & conſenſum Anglice* his unfeigned aſſent and conſent *ad uſum omnium rerum content' & preſcript' in Libro Communis Præcationis & Adminiſtration' Sacramentorum & aliorum Rituum & Ceremoniarum Eccleſiæ ſecundum uſum Eccleſiæ Anglicanæ modo infra hoc Regnum Angliæ ſtabilit' nec ſubſcribens Declarationem ſive cognitionem Anglice* Acknowledgment *content' in quodam Actu Parliamenti editi in Parliamento Anno Regni dicti Domini*

Domini Regis nunc decimo quarto intitulat' An Act for the Uniformity of Publick Prayer and Administration of Sacraments and other Rites and Ceremonies, and for the eſtabliſhing the Form of making, ordaining, and conſecrating of Biſhops, Prieſts and Deacons in the Church of *England*, *nec prædict'* N. V. *unquam præſtans & ſubſcribens Anglice* having never taken and ſubſcribed *Juramentum conten' & ſpecificat' in quodam Actu Parliamenti edit' in Parliamento tent' Anno Regni dicti Domini Regis nunc decimo ſeptimo intitulat'* An Act for reſtraining Non-Conformiſts from inhabiting in Corporations *Quodque idem* N. V. *à prædict' decimo tertio die Novembris Anno Regni dicti Domini Regis nunc triceſimo tertio ſupradicto uſque diem hujus Præſentationis apud Parochiam prædict' infra Burgum de Southwark prædict' illicite & injuſte inhabitat' & remanſit & adhuc inhabitat & remanet in malum exemplum omnium aliorum in tali caſu delinquentium Ac contra pacem dicti Domini Regis nunc Coronam & Dignitat' ſuas necnon contra formam Statuti in hujuſmodi caſu edit' & proviſi &c.*

An

An Information againſt one pretending to be in Holy Orders, not having aſſented and conſented to the Book of Common Prayer, &c. nor having taken the Oath reſtraining Nonconformiſts inhabiting in Corporations.

Lond' ſſ. MEmorandum quod Robertus Sawyer Miles Attorn' Domini Regis nunc General' &c. die Lunæ prox' poſt xv^m Sancti Martini dat' Cur' hic intelligi & Informari quod Thomas Watſon nuper de Parochia omnium Sanctorum magnorum infra Civitat' London Clericus prætendens ad Sacros Ordines tertio decimo die Novembris Anno Regni Domini CAROLI Secundi nunc Regis Angliæ &c. Triceſimo tertio venit & fuit apud Parochiam prædict' infra Civitat' London prædict' Quæ quædam Civitas London mittit Cives ad Parliament' prædict' Thomas Watſon nunquam declarans Anglicè never having declared ſincerum ejus Aſſenſum & Conſenſum Anglicè his unfeigned Aſſent and Conſent ad uſum omnium rerum content' & præſcript in Libro Communis Præcationis & Adminiſtration' Sacramentor' & aliorum Rituum & Cæremoniarum Eccleſiæ Secundum uſum Eccleſiæ Anglicanæ modo infra hoc Regnum Angliæ ſtabilit' nec ſubſcribens declarationem ſive cognitionem Anglicè Acknowledgment content' in quodam Actu Parliament' edit' in Parliamento Anno Regni dicti Domini Regis nunc quartodecimo intitulat' An Act

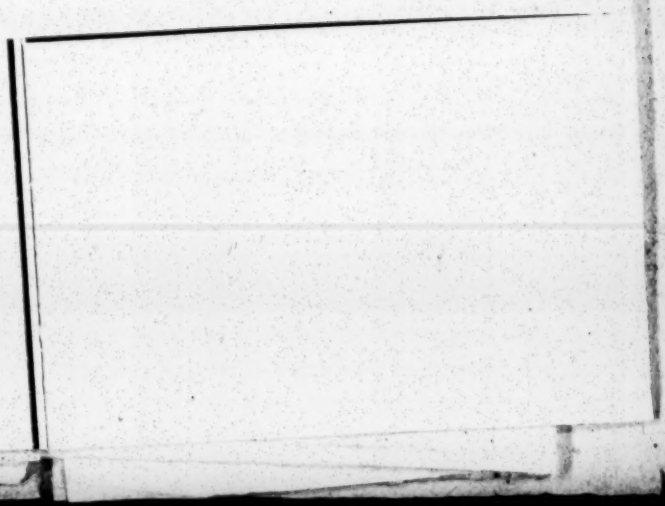
Act for the Uniformity of Publick Prayer and Administation of Sacraments, and other Rites and Ceremonies, and for the eſtabliſhing the form of making, ordaining, and conſecrating of Biſhops, Prieſts and Deacons in the Church of *England*, *Nec prædict' Thomas Watſon unquam præſtans & ſubſcribens Anglicè* having never taken and ſubſcribed *Juramentum content' & ſpecificat' in quodam Actu Parliamenti edit' in Parliamento tent' Anno Regni dicti domini Regis nunc decimo ſeptimo intitulat'* An Act for reſtraining Non-Conformiſts from inhabiting in Corporations *Quodque idem Thomas Watſon à prædicto tertio decimo die Novembris Anno Regni dicti Domini Regis nunc triceſimo tertio ſupradicto uſque diem exhibitionis hujus Informationis apud Parochiam prædictam infra Civitat' London prædict' illicite & injuſte inhabitat & remanſit & adhuc inhabitat & remanet in malum exemplum omnium aliorum in tali caſu delinquen' Ac contra Pacem dicti Domini Regis nunc coron' & dignitat' ſuas &c. necnon contra formam Statuti in hujuſmodi caſu edit, & proviſi unde idem Attorn' &c. Pet' proceſſum verſus præfat' Thomam Watſon in hac parte fieri ad reſpondend' dicto Domino Regi de & in præmiſſis &c.*

Pro-

Proceedings on Informations are as follow.

FIrſt, take out a *Subpœna* from the Crown-Office, and ſerve it at the Houſe; then make Affidavit of the due ſervice. And if there be no Appearance before the Retorn of the Writ, you may take out from the ſame Office Attachments, and thereupon procure a Sheriffs Warrant to take the Body. And if he lies hid, and will not be taken before the Retorn of the Writ, you may proceed to the Outlawry in the Attorneys name, or procure a private Warrant from the Lord Chief Juſtice to apprehend their Bodies.

Rules



Effex 11. *The particular Rates of Wages of all manner of Artificers, Labourers and Servants, as well by the Day, with Meat and Drink, and without, as alſo by the whole Year, and in Groſs, or by Task; made and ſet forth at the Quarter-Seſſions of the Peace holden at* Chelmesford *in the ſaid County,* April 8. 1651. *by the Juſtices of Peace there Aſſembled, according to a Statute made* 29 Eliz. *having a ſpecial Regard and Conſideration to the Prizes at this time of all kind of Victuals, and Apparel, both Linnen and Woollen, and all other neceſſary Charges wherewith Artificers, Labourers and Servants have been more grievouſly charged with than in times paſt.*

		By the day from Mid-March to Mid-September.		By the day from Mid-September to Mid-March.		By the whole year.	
		With Meat and Drink.	Without Meat and Drink.	With Meat and Drink.	Without Meat and Drink.	Wages.	Liverey.
Maſons.	A Maſter Free-Maſon	12 d.	18 d.	10 d.	16 d.	4 l.	10 s.
	A Maſter Rough-Maſon having three under him	10 d.	17 d.	8 d.	14 d.	3 l.	10 s.
	Servants and Apprentices above the Age of 14, and under 18,	4 d.	10 d.	3 d.	7 d.	30 s.	8 s.
Carpenters and Sawyers.	A Maſter Carpenter having four under his Charge	12 d.	18 d.	10 d.	16 d.	4 d.	10 s.
	Their Journey-men and Servants above 18, and under 24	8 d.	14 d.	6 d.	12 d.	50 s.	8 s.
	Servants and Apprentices above 14, and under 24	6 d.	12 d.	6 d.	10 d.	24 s.	8 s.
	A Maſter Sawyer	10 d.	16 d.	8 d.	14 d.	4 l. 10 s.	10 s.
	His Labourer	8 d.	14 d.	8 d.	12 d.	4 l.	8 s.
	Palers	8 d.	12 d.	8 d.	12 d.	4 l.	10 s.
	Rivers of Pale and Clap-board and Lath	10 d.	18 d.	8 d.	14 d.	4 l.	10 s.
	A Mill-wright	12 d.	28 d.	10 d.	16 d.		
	A Plow-wright and Cart-wright	10 d.	18 d.	8 d.	16 d.		
	Cowpers	10 d.	16 d.	6 d.	14 d.		
Ship-wrights.	A Maſter Ship-wright having four under him	16 d.	2 s.	12 d.	16 d.		
	A Hewer or Common Ship-wright	10 d.	18 d.	8 d.	14 d.		
	An able Clencher	10 d.	18 d.	8 d.	14 d.		
	An able Holder	8 d.	14 d.	7 d.	12 d.		
	A Maſter Calker	14 d.	2 s.	10 d.	16 d.		
	A Calker labouring by Tide	10 d.	18 d.	8 d.	14 d.		
	A mean Calker	9 d.	16 d.	8 d.	14 d.		
Joyner and Carver.	A Maſter Joyner or Carver	10 d.	18 d.	8 d.	16 d.	4 l.	10 s.
	Servants and Apprentices above 18, and under 24,	8 d.	14 d.	6 d.	12 d.	3 l. 10.	10 s.
	Servants and Apprentices above 14, and under 24	6 d.	9 d.	5 d.	8 d.	33 s. 4 d.	6 s.
Bricklayers Tylers, Plaiſterers, and Shinglers.	A Maſter Bricklayer and Tyler, Plaſterer and Shingler	10 d.	18 d.	8 d.	16 d.	4 l.	10 s.
	Second Bricklayers, Tylers and Slaters above 16 and under 24	8 d.	16 d.	6 d.	14 d.	2 l.	10 s.
	Servants and Apprentices above 12, and under 24	6 d.	10 d.	5 d.	8 d.		
Makers of Brick, Tyle, Burners of Lyme, aſhes and Wood.	Makers of Brick and Tyle, Burners of Wood-aſhes and *Lyme*	8 d.	16 d.	6 d.	12 d.	3 l.	10 s.
	Their Servants and Labourers	6 d.	11 d.	5 d.	10 d.	50 s.	10 s.
Plumber and Glaſier	A Plumber and Glaſier	10 d.	16 d.	8 d.	14 d.		

		By the day from Mid-March to Mid-September.		By the day from Mid-September to Mid-March.		By the whole year.	
		With Meat and Drink.	Without Meat and Drink.	With Meat and Drink.	Without Meat and Drink.	Wages.	Liverey.
Layers of Roods and Thatchers.	Their Servants and Apprentices of the Age of 14, and under 24	6 d.	10 d.	5 d.	8 d.	30 s. 4 d.	6 s. 4 d.
	A Maſter Layer or Thatcher	10 d.	16 d.	8 d.	14 d.	3 l.	10 s.
	Their Servants	8 d.	13 d.	6 d.	12 d.	50 s.	10 s.
Common Labourers.	Fellers and makers of Wood, Ditchers, Hedgers, and Threſhers, and all common Labourers; the time of Harveſt excepted	8 d.	14 d.	6 d.	12 d.	3 l. 5 s.	10 s.
Gardners.	Gardners	8 d.	16 d.	7 d.	12 d.	3 l.	10 s.
	Scavel-men or Marſh-men	10 d.	18 d.	8 d.	15 d.	3 l. 10 s.	
	The Man Hay-maker	8 d.	12 d.				
	The Woman Hay-maker	5 d.	10 d.				
	Weeders of Corn	4 d.	9 d.				
	Mowers of Corn and Graſs	10 d.	18 d.				
	A Mallower	6 d.	15 d.				
Reapers.	The Man-Reaper	12 d.	22 d.				
	The Woman-Reaper.	8 d.	14 d.				
Clothiers, with other men of Science or occupation	The beſt Servant Clothier being Journeyman					3 l.	10 s.
	The beſt Journeyman Weaver able to take and leave his Work as well in *Cogſhall*, and ſuch places, where fine Clothes are made as elſewhere					2 l.	10 s.
	The ſecond Journeyman Weaver and Clothier					30 s.	8 d.
Kimbers.	A Journeyman Kember in *Coxall* above the Age of 24, kembing and drawing every day 5 *l.* warp					3 l.	10 s.
	Houſhoulders their kembing or drawing by Task for every Warp with meat and drink					6 d.	
	A Weaver being an Houſholder weaving by the Piece in great as he can agree with the Clothier						
	A Journeyman Tucker, or Fuller, and Sheerman, and Dyer					50 s.	10 s.
	Taylors and Hoſiers	8 d.	14 d.	6 d.	12 d.	50 s.	10 s.
	Shoomakers, Cutlers, Smiths, Farriers, Sadlers, Spurriers, Tanners, Coopers					50 s.	10 s.
	Millers, Bakers, Brewers, Butchers and Cooks					50 s.	10 s.
	The ſecond ſort of the ſaid Artificers					50 s.	8 s.
	Loaders of Corn and Meal to *London*					4 l.	10 s.
	Knackers, Coller-makers, Armourers	9 d.	18 d.	8 d.	14 d.	6 l.	
Servants of Husbandry.	A Bailiff of Husbandry taking charge, and able to diſcharge the ſame					5 l.	10 s.
	A Chief Hynde, the beſt Ploughman, Carter, Shepherd or Neatherd					4 l 10 s.	10 s.
	The ſecond Hynde, Carter, or Servants in Husbandry					3 l. 10 s.	10 s.
	Apprentice at Husbandry at Meat Drink and Clothes						
	The beſt Woman-Servant being a Cook able to take charge of a Houſhold					50 s.	
	The Second Woman Servant					40 s.	
	A Dairy-maid, or Waſh-maid					45 s.	
	A Chamber-maid					45 s.	

Artificers and Laborers by Task, or in Great, without Meat and Drink.

Mowers and Hay-makers	THe mowing of one Acre of graſs after land meaſure	20 d.
	The well making, clean taking and cocking of an Acre of Graſs ready to carry	2 s.
	The reaping, or ſhearing, well bringing, cocking, or ſhocking of one Acre of Wheat, Rye, or Mixtling	3 s. 4 d.
	The reaping or ſhearing of an Acre of Barley and Bullymong, binding and ſhocking	2 s. 6 d.
	The reaping, well binding and ſhocking of an Acre of Oats	2 s. 6 d.
	The reaping and well binding of an Acre of Beans	3 s. 8 d.
	The making of an Acre of Peaſe, Fitches and Tares	21 d.
Mowing of Corn.	The Mowing of an Acre of Barley or Oats	14 d.
	The follower making Bands, Raking, and laying the ſame	12 d.
	The making and ditching of a Rod of new Ditch out of the whole ground four foot wide, three foot deep, and one foot and half in the bottom, double ſet with Quick, and Setting an hedg upon it after the rate of 16 foot and half to the Rod with gathering Sets for the ſame	14 d.
	The making of a Rod of ditch of like bredth and depth without Quick	6 d.
	The plaſhing of every Rod of Quick-hedge.	2 d.
	The making of a Rod of an uſual Hedge, the Stuff laid by	2 d.
	The felling of every Load of Buſhes	16 d.
	Beans, Peaſe, Bullymong and Tares	10 d.
Sawing.	Plank the Hundred (*viz.*) ſix ſcore	2 s. 6 d.
	Board the Hundred	2 s. 6 d.
	Slitting work the hundred	2 s. 6 d.
Riving.	Lath the hundred	4 d.
	Pale the hundred	12 d.
	Clap-board the hundred	4 s.
Paling.	The felling, cleaving and hewing of Pales, Poſts, ſhores, and Rails, and ſetting up of every rod of 6 foot long Pale, not exceeding 7 foot with ſingle rayl, after the rate of 16 foot and half to the Pole.	2 s.
Cart-wrights.	The making of a Plough all new with Meat and Drink	1 s. 6 d.
	The Body of a Plough with Meat and Drink	10 d.
	The Heading or Bodying of a Plough with the handle with Meat and Drink	12 d.
	The making of a pair of Cart-wheels finding himſelf	8 s.
	The hewing of all the Stuff of the Body of a Cart finding himſelf	20 d.
	The making of the Body of a Cart finding himſelf	3 s 6 d.
	The hewing of every Gang of Fellyes which conteyn 12 for wheeles	1 s 4 d.
	The Setting on of a Felly finding himſelf	8 d.
	The hewing and Riving of every Gang of ſpoak-tymber, the Gang conteyning	25 1 s.
Making of Coals.	The felling, cutting, and blocking of a Dozen Coales, every Coal con-	

		By the day from Mid-March to Mid-September. With Meat and Drink.	By the day from Mid-March to Mid-September. Without Meat and Drink.	By the day from Mid-September to Mid-March. With Meat and Drink.	By the day from Mid-September to Mid-March. Without Meat and Drink.	By the whole year. Wages.	By the whole year. Liverey.
Masons.	A Master Free-Mason	12 d.	18 d.	10 d.	16 d.	4 l.	10 s.
	A Master Rough-Mason having three under him	10 d.	17 d.	8 d.	14 d.	3 l.	10 s.
	Servants and Apprentices above the Age of 14, and under 18,	4 d.	10 d.	3 d.	7 d.	30 s.	8 s.
Carpenters and Sawyers.	A Master Carpenter having four under his Charge	12 d.	18 d.	10 d.	16 d.	4 d.	10 s.
	Their Journey-men and Servants above 18, and under 24	8 d.	14 d.	6 d.	12 d.	50 s.	8 s.
	Servants and Apprentices above 14, and under 24	6 d.	12 d.	6 d.	10 d.	24 s.	8 s.
	A Master Sawyer	10 d.	16 d.	8 d.	14 d.	4 l. 10 s.	10 s.
	His Labourer	8 d.	14 d.	8 d.	12 d.	4 l.	8 s.
	Palers	8 d.	12 d.	8 d.	12 d.	4 l.	10 s.
	Rivers of Pale and Clap-board and Lath	10 d.	18 d.	8 d.	14 d.	4 l.	10 s.
	A Mill-wright	12 d.	28 d.	10 d.	16 d.		
	A Plow-wright and Cart-wright	10 d.	18 d.	8 d.	16 d.		
	Cowpers	10 d.	16 d.	6 d.	14 d.		
Ship-wrights.	A Master Ship-wright having four under him	16 d.	2 s.	12 d.	16 d.		
	A Hewer or Common Ship-wright	10 d.	18 d.	8 d.	14 d.		
	An able Clencher	10 d.	18 d.	8 d.	14 d.		
	An able Holder	8 d.	14 d.	7 d.	12 d.		
	A Master Calker	14 d.	2 s.	10 d.	16 d.		
	A Calker labouring by Tide	10 d.	18 d.	8 d.	14 d.		
	A mean Calker	9 d.	16 d.	8 d.	14 d.		
Joyner and Carver.	A Master Joyner or Carver	10 d.	18 d.	8 d.	16 d.	4 l.	10 s.
	Servants and Apprentices above 18, and under 24,	8 d.	14 d.	6 d.	12 d.	3 l. 10.	10 s.
	Servants and Apprentices above 14, and under 24	6 d.	9 d.	5 d.	8 d.	33 s. 4 d.	6 s.
Bricklayers Tylers, Plaisterers, and Shinglers.	A Master Bricklayer and Tyler, Plasterer and Shingler	10 d.	18 d.	8 d.	16 d.	4 l.	10 s.
	Second Bricklayers, Tylers and Slaters above 16 and under 24	8 d.	16 d.	6 d.	14 d.	2 l.	10 s.
	Servants and Apprentices above 12, and under 24	6 d.	10 d.	5 d.	8 d.		
Makers of Brick, Tyle, Burners of Lyme, Ashes and Wood.	Makers of Brick and Tyle, Burners of Wood-ashes and *Lyme*	8 d.	16 d.	6 d.	12 d.	3 l.	10 s.
	Their Servants and Labourers	6 d.	11 d.	5 d.	10 d.	50 s.	10 s.
Plumber and Glasier	A Plumber and Glasier	10 d.	16 d.	8 d.	14 d.		

		By the day from Mid-March to Mid-September. With Meat and Drink.	By the day from Mid-March to Mid-September. Without Meat and Drink.	By the day from Mid-September to Mid-March. With Meat and Drink.	By the day from Mid-September to Mid-March. Without Meat and Drink.	By the whole year. Wages.	By the whole year. Liverey.
	Their Servants and Apprentices of the Age of 14, and under 24	6 d.	10 d.	5 d.	8 d.	30 s. 4 d.	6 s. 4 d.
Layers of Roods and Thatchers.	A Master Layer or Thatcher	10 d.	16 d.	8 d.	14 d.	3 l.	10 s.
	Their Servants	8 d.	13 d.	6 d.	12 d.	50 s.	10 s.
Common Labourers.	Fellers and makers of Wood, Ditchers, Hedgers, and Threshers, and all common Labourers; the time of Harvest excepted	8 d.	14 d.	6 d.	12 d.	3 l. 5 s.	10 s.
Gardners.	Gardners	8 d.	16 d.	7 d.	12 d.	3 l.	10 s.
	Scavel-men or Marsh-men	10 d.	18 d.	8 d.	15 d.	3 l. 10 s.	
	The Man Hay-maker	8 d.	12 d.				
	The Woman Hay-maker	5 d.	10 d.				
	Weeders of Corn	4 d.	9 d.				
	Mowers of Corn and Grass	10 d.	18 d.				
	A Fallower	6 d.	15 d.				
Reapers.	The Man-Reaper	12 d.	22 d.				
	The Woman-Reaper.	8 d.	14 d.				
Clothiers, with other men of Science or occupation	The best Servant Clothier being Journeyman					3 l.	10 s.
	The best Journeyman Weaver able to take and leave his Work as well in *Cogshall*, and such places, where fine Clothes are made as elsewhere					2 l.	12 s.
	The second Journeyman Weaver and Clothier					30 s.	8 d.
Kimbers.	A Journeyman Kember in *Coxall* above the Age of 24, kembing and drawing every day 5 *l.* warp					3 l.	10 s.
	Housholders their kembing or drawing by Task for every Warp with meat and drink	6 d.					
	A Weaver being an Housholder weaving by the Piece in great as he can agree with the Clothier						
	A Journeyman Tucker, or Fuller, and Sheerman, and Dyer					50 s.	10 s.
	Taylors and Hosiers	8 d.	14 d.	6 d.	12 d.	50 s.	10 s.
	Shoomakers, Cutlers, Smiths, Farriers, Sadlers, Spurriers, Tanners, Coopers					50 s.	10 s.
	Millers, Bakers, Brewers, Butchers and Cooks					50 s.	10 s.
	The second sort of the said Artificers					50 s.	8 s.
	Loaders of Corn and Meal to *London*					4 l.	10 s.
	Knackers, Coller-makers, Armourers	9 d.	18 d.	8 d.	14 d.	6 l.	
Servants of Husbandry.	A Bailiff of Husbandry taking charge, and able to discharge the same					5 l.	10 s.
	A Chief Hynde, the best Ploughman, Carter, Shepherd or Neatherd					4 l 10 s.	10 s.
	The second Hynde, Carter, or Servants in Husbandry					3 l. 10 s.	10 s.
	Apprentice at Husbandry at Meat Drink and Clothes						
	The best Woman-Servant being a Cook able to take charge of a Household					50 s.	
	The Second Woman Servant					40 s.	
	A Dairy-maid, or Wash-maid					45 s.	
	A Chamber-maid					45 s.	

Artificers and Laborers by Task, or in Great, without Meat and Drink.

Mowers and Hay-makers	The mowing of one Acre of grass after land meature	20 d.
	The well making, clean taking and cocking of an Acre of Grass ready to carry	2 s.
	The reaping, or shearing, well bringing, cocking, or shocking of one Acre of Wheat, Rye, or Mixtling	3 s. 4 d.
	The reaping or shearing of an Acre of Barley and Bullymong, binding and shocking	2 s. 6 d.
	The reaping, well binding and shocking of an Acre of Oats	2 s. 6 d.
	The reaping and well binding of an Acre of Beans	3 s. 8 d.
	The making of an Acre of Pease, Fitches and Tares	21 d.
Mowing of Corn.	The Mowing of an Acre of Barley or Oats	14 d.
	The follower making Bands, Raking, and laying the same	12 d.
	The making and ditching of a Rod of new Ditch out of the whole ground four foot wide, three foot deep, and one foot and half in the bottom, double set with Quick, and Setting an hedg upon it after the rate of 16 foot and half to the Rod with gathering Sets for the same	14 d.
	The making of a Rod of ditch of like bredth and depth without Quick	6 d.
	The plashing of every Rod of Quick-hedge.	2 d.
	The making of a Rod of an usual Hedge, the Stuff laid by	2 d.
	The felling of every Load of Bushes	16 d.
Felling and making wood.	The making of an hundred of Fagots, Double band	2 s. 6 d.
	Single band	20 d.
	The making of a thousand of Billet	18 d.
	The making a load of Talewood	8 d.
	The making of a load of Pole or other wood	6 d.
	The making of a hundred of Broom or Furz Fagots	22 d.
Threshing and Fanning.	Wheat and Rye the Quarter	22 d.
	Barley and Oats the Quarter	10 d.
	Beans, Peale, Bullymong and Tares	10 d.
Sawing.	Plank the Hundred (*viz.*) six score	2 s. 6 d.
	Board the Hundred	2 s. 6 d.
	Slitting work the hundred	2 s. 6 d.
Riving.	Lath the hundred	4 d.
	Pale the hundred	12 d.
	Clap-board the hundred	4 s.
Paling.	The felling, cleaving and hewing of Pales, Posts, shores, and Rails, and setting up of every rod of 6 foot long Pale, not exceeding 7 foot with single rayl, after the rate of 16 foot and half to the Pole.	2 s.
Cart-wrights.	The making of a Plough all new with Meat and Drink	1 s. 6 d.
	The Body of a Plough with Meat and Drink	10 d.
	The Heading or Bodying of a Plough with the handle with Meat and Drink	12 d.
	The making of a pair of Cart-wheels finding himself	8 s.
	The hewing of all the Stuff of the Body of a Cart finding himself	20 d.
	The making of the Body of a Cart finding himself	3 s 6 d.
	The hewing of every Gang of Fellyes which conteyn 12 for wheeles	1 s 4 d.
	The Setting on of a Felly finding himself	8 d.
	The hewing and Riving of every Gang of spoak-tymber, the Gang conteyning	25 1 s.
Making of Coals.	The felling, cutting, and blocking of a Dozen Coales, every Coal conteyning 24 Sackes and every Sack 4 Bushells	2 s. 4 d.
	The making of a Dozen of Coales	2 s.
Brick and Tyle-makers.	The Digging of the Earth, the striking and burning every M. Brick without meat and drink, having Straw and all other necessaries laid by	2 s. 6 d.
	The striking, drying and setting on pillar every thousand Tyle without Meat and Drink	10 d.
	The whiting and nealing of every M. Tyle without Meat and Drink	12 d.

Place this between *Fol.* 240. and 241.

This is the Order of Rates for the Wages of Artificers, Labourers, and Servants.

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Rules and Orders to be obſerved by all Juſtices of Peace, Mayors, Bayliffs, and other Officers, for prevention of the ſpreading of the Infection of the Plague. Publiſhed by his Majeſtie's ſpecial Command, in the Year of our Lord God, 1666.

1. YOu are to take care, That no ſtranger be permitted to lodge or abide in any City, Town, or Village without ſufficient Certificate of health, and the conſent of the next Juſtice of Peace or chief Magiſtrate (if within a Corporation) which ſaid Certificate to be made by the Miniſter and Church-Wardens of the Pariſh from whence ſuch perſon came, and confirmed under the Hand and Seal of the next Juſtice of Peace to the ſaid Pariſh.

2. That no old Houſhold-Goods whatſoever be received into any City, Burrough, Town, Village or Hamlet, coming from any place ſuſpected to be Infected with the Plague, without ſufficient Certificate.

3. That

3. That all publick Meetings and Concourſes of People, as much as may be (eſpecially to Funerals, Wakes or Revels) be Prohibited, where there is any ſuſpicion of the Plague.

4. That no Vagabonds nor Beggars be permitted to go and wander about the Countrey, or in any other City or Place; and, That you appoint Watching and Warding for that end; and that all publick places (eſpecially Streets and Paſſages) be kept ſweet and clean; and that all Layſtalls, Dunghils and Slaughter-houſes near any Dwelling be removed to places more remote.

5. That Order be given to all Houſholders to keep their Dwelling houſes ſweet and clean, and to keep ſhut all Windows opening towards Infected Houſes.

6. That Fires in moveable Pans, or otherwiſe, be made in all neceſſary publick Meetings in the Churches, *&c.* and convenient Fumes to correct the Air be burnt thereon.

7. That care be taken that no unwholſom Meats, ſtinking Fiſh, Fleſh, muſty Corn, or any other unwholſom Food be expoſed to ſale in any Shops or Markets.

8. That no Swine Dogs, Cats or tame Pigeons

Pigeons be permitted to paſs up and down in Streets, or from houſe to houſe, in places Infected.

9. That the Laws againſt Inn-Mates be forthwith put in ſtrict execution, and that no more Ale-houſes be Licenſed than are abſolutely neceſſary in each City or place, eſpecially during the continuance of this preſent Contagion.

10. That each City and Town forthwith provide ſome convenient place remote from the ſame, where a Peſt-houſe, Huts or Sheds may be Erected, to be in readineſs in caſe any Infection ſhould break out: which if it ſhall happen to do, That able and faithful Searchers and Examiners be forthwith provided and Sworn to Search all ſuſpected bodies, for the uſual ſigns of the Plague, *viz.* Swelling or Riſings under the Ears or Arm pits, or upon the Groynes, Blaines, Carbuncles, or little Spots, either on the Breaſt or back, commonly called Tokens.

11. That if any Houſe be Infected, the ſick Perſon or Perſons be forthwith removed to the ſaid Peſt-houſe, Sheds, or Huts, for the preſervation of the reſt of the Family: And that ſuch houſe (though none be dead therein) be ſhut up for Fourty days, and have a *Red Croſs*, and *Lord have mercy upon us*, in Capital Letters affixed on the door,

and Warders appointed, as well to find them neceſſaries, as to keep them from converſing with the ſound.

12. That at the opening of each Infected Houſe (after the expiration of the ſaid Fourty days) a *White Croſs* be affixed on the ſaid door, there to remain Twenty days more; during which time or at leaſt before any ſtranger be ſuffered to lodge therein, That the ſaid houſe be well Fumed Waſhed and Whited all over within with Lime; And that no Clothes, or Houſholdſtuff be removed out of the ſaid houſe, into any other houſe, for at leaſt Three months after, unleſs the Perſons ſo Infected have occaſion to change their habitation.

13. That none dying of the Plague, be buried in Churches, or Church-yards (unleſs they be large, and then to have a place aſſigned for the uſe (where other bodies are not uſually buried) Boarded or paled in Ten foot high) but in ſome other convenient places, and that a good quantity of unſlackt Lime be put into the Graves with ſuch bodies, and that ſuch Graves be not after opened within the ſpace of a year or more, leſt they infect others.

14. That in caſe any City, Burrough, Town or Village be ſo Viſited and Infected, that it is not able to maintain its

its own Poor, That then a Rate be forthwith made by the adjoyning Iuſtices of the Peace, and confirmed at the very next Quarter-Seſſions, for that uſe, upon the neighbouring Pariſhes, according to the Statute 1 *Jacobi*, ſo that ſuch Viſited Poor may have ſufficient Relief; want and naſtineſs being great occaſions of the Infection.

15. That you your ſelves uſe your utmoſt endeavours, not only to ſee theſe Directions punctually obſerved, and be in a readineſs to render an Accompt as often as you ſhall be required, but that you ſtrictly enjoyn all High Conſtables, Petty-Conſtables, Headboroughs and other Officers, to execute their reſpective Duties according to their places; and if any ſhall fail herein, to uſe the utmoſt ſeverity againſt them according to Law.

What relates to Phyſicians, Chyrurgeons, and ſuch other perſons as are neceſſary for the prevention and help of ſuch who ſhall be infected, the ſame is left to your particular care and diſcretion.

Laſtly, That you take ſpecial care, that not only the Monthly Faſts, but that the publick Prayers on *Wedneſdays* and *Fridays* alſo, be ſtrictly and conſtantly obſerved according to His Majeſtie's

and Warders appointed, as well to find them neceſſaries, as to keep them from converſing with the ſound.

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13. That none dying of the Plague, be buried in Churches, or Church-yards (unleſs they be large, and then to have a place aſſigned for the uſe (where other bodies are not uſually buried) Boarded or paled in Ten foot high) but in ſome other convenient places, and that a good quantity of unſlackt Lime be put into the Graves with ſuch bodies, and that ſuch Graves be not after opened within the ſpace of a year or more, leſt they infect others.

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Laſtly, That you take ſpecial care, that not only the Monthly Faſts, but that the publick Prayers on *Wedneſdays* and *Fridays* alſo, be ſtrictly and conſtantly obſerved according to His Majeſtie's

Proclamation; And that ſuch Collections as ſhall be then made, be ſtrictly applyed to the relief and neceſſities of the poor in Infected places, by which means God may be inclined to remove his ſevere hand both from amongſt you and us.

A Table of Fees due to the Clerk of the Peace, and other Officers at the General Quarter-Seſſions of the Peace.

To the Clerk of the Peace.

FOr drawing every Indictment in Felony, Treſpaſs, Aſſault, Battery, Force, Riot, and the like 2 *s.*

For the Copy of any ſuch Indictments 1 *s.* or 4 *d. per* Sheet at the Election of the Clerk.

For drawing any ſuch Indictment that exceeds the length of ſeven Sheets. 3 *s.* 4 *d.*

For the Copy thereof. 1 *s.* 8 *d.* or 4 *d. per* ſheet at the Election of the Clerk.

For drawing every Indictment upon a Statute. 3 *s.* 4 *d.*

For the Copy of ſuch Indictment. 1 *s.* 8 *d.*

But if ſuch indictment exceed the uſual length, then 4 *d.* the ſheet.

For drawing every Information. 3 *s.* 4 *d.*

For the Copy of every Information. 1 *s.* 8 *d.* or 4 *d.* *per* ſheet at the Election of the Clerk.

For every Appearance to an Indictment of Treſpaſs, Aſſault, Force, Battery, Riot, or the like. 2 *s.*

For every Appearance to an Information. 2 *s.* 4 *d.*

For the Diſcharge of any perſon upon Bail for the Peace, good Behaviour, Contempt, or the like. 2 *s.*

For the warrant of Diſcharge thereupon. 4 *d.*

For every Imparlance upon Indictment. 2 *s.*

For every Licenſe to compound with an Informer. 2 *s.* 6 *d.*

For awarding and making forth Proceſs againſt the Defendant upon an Information. 2 *s.*

For the Diſcharge of every Indictment for Felony, where *Ignoramus* is found 7 *s.* 4 *d.*

For the diſmiſſion of any perſon Indicted of Treſpaſs, Riot, Forcible Entry, or the like. 4 *s.* 4 *d.*

Stat. 2 H. 4. ca. 10. For the plea Not Guilty to an Indictment. 2 *s.*

For the plea Not Guilty to an Information. 2 *s.*

For drawing all Demurrers, ſpecial Pleas, Replications and Rejoynders for every Sheet. 8 *d.*

For the Copy thereof 4 *d.* *per* ſheet.

For

For relinquiſhing a plea. 2 s. 4 d.
For a ſubmiſſion. 2 s.
For Judgment thereupon. 2 s.
For a Diſcharge. 2 s.
For entring the Iſſue, Roll and Aſſignment of time to the parties for Tryal upon the Record. 8 d.
* For the *Venire Facias* upon the plea Not Guilty. 2 s. Stat. 2 H. 4. ca. 10.
For a *Diſtringas Jur.* or the continuance of the *Venire Facias* for ſuch Tryals, for the Record. 2 s,
For a Copy of the Traverſe. 2 s. 8 d.
For every Subpœna *ad teſtificand.* 2 s. 6 d.
For every Ticket, 4 d.
For the Appearance upon the Recognizance to Traverſe. 2 s.
For reading the Record. 2 s.
For reading every Evidence upon the Tryal. 1 s.
For taking and entring every Verdict found Not Guilty. 2 s.
For entring the Judgment thereupon 2 s.
For the Copy of every Judgment given after Verdict. 2 s
For every Acquittal upon an Indictment for Felony. 9 s. 4 d
For entring Judgment upon every Information. 3 s. 4 d.
For every judicial Writ thereupon. 2 s.
For the diſcharge of a Judgment. 2 s. 10 d.
* For the continuance of any matter upon Information or Indictment, after iſſue joyned, for every Seſſions. 2 s.

* For every writ of Reſtitution to reſtore ſtollen Goods. 6 *s.* 8 *d.*

For every Writ of reſtitution. 6 *s.* 8 *d.*

For the Appearance upon every recogni-zance. 2 *s.*

For the Diſcharge upon every recogni-zance. 2 *s.*

For the reſpiting of every recognizance. 2 *s.*

For taking a new recognizance. 2 *s.*

* Where a perſon bound by recognizance for Felony, Peace, or good Behaviour, dyeth before the day of Appearance: Upon which the Sureties pleade the Death, for drawing the plea, entring the Judgment and the Clerk's Fee. 13 *s.* 4 *d.*

* For entring the ſubmiſſion of every re-cuſant his plea and Judgment thereupon. 13 *s.* 4 *d.*

* For the allowance of every *Superſedeas* for the Peace or Good Behaviour. 4 *s.*

For the Allowance of every *Certiorari*, Writ of Error, ſpecial *Supplicavit*, or *Pro-cedendo.* 6 *s.* 8 *d.*

For the Return of every name upon ſeve-ral *Certioraries.* 2. *s.*

But if the return be extraordinary long as of Orders or the like, then for drawing and ingroſſing every ſheet. 8 *d.*

For the Copy of every Writ of Error, *Cer-tiorari*, ſpecial *Supplicavit*, or *Procedendo.* 1 *s.*

For certifying every Indictment or Pre-ſentment before Tryal, 2 *s.*

For

For taking ſecurity by bond for payment of Coſts upon Indictment of Forcible Entry, Riot and Battery. 2 *s.*

For certifying every Recognizance. 6 *s.* 8 *d.*

For every *Scire Facias* upon a recognizance. 2 *s.*

For drawing and entring of every Order of Seſſions of an ordinary length. 2 *s.* 6. *d*

For the Copy of every Order. 2 *s.* 6. *d.*

For the Copy of every old Order. 2 *s.*

For drawing and entring of Orders of more than an uſual length. 3 *s.* 4 *d.*

For the Copy of any ſuch Orders. 1 *s.* 8 *d.*

For drawing every Certificate for the repairing High-ways, and Bridges. 1 *s.*

For the allowance thereof and filing. 2 *s.*

For every Badger's Licenſe. 1 *s.*

For taking the recognizance upon the ame. 8 *d.*

For entring the Licenſe. 4 *d.*

For a Licenſe to draw and ſell Beer. 1 *s.* 6 *d.*

For taking the recognizance upon the ſame. 1 *s.*

For inrolling a Bargain and ſale of Lands, not exceeding forty ſhillings *per annum.* 1 *s.* Stat. 27 H. 8. ca. 16.

For inrolling a Bargain, and ſale of Lands, exceeding forty ſhillings *per annum.* 2 *s.* 6 *d.*

For Licenſe to ſhoot Hawks-meat and taking recogniſance thereupon. 1 *s.* Stat. 1 Jac. ca. 27.

For making of Eſtreats for levying Fines for the Defaults of High-ways upon the view of a Juſtice of the Peace in every pound. 1 *s.* Stat. 2 & 3 Phil. and Mary ca. 8.

For

For the Clerk of the Peace his hand to every record. 1 s.

For the entring or certifying of every record of Conviction. 1 s.

For every Warrant of the peace or good Behaviour. 2 s.

For every *Capias* to Fine. 2 s.

For the Ticket of every perſon elected Conſtable to be paid by him that is diſcharged. 1 s.

For the Ticket of every Treaſurer diſcharged out of his Office. 2 s.

For the Diſcharge of every grand Jury man by order of Court from his appearance. 2 s.

For the Diſcharge of every man of the petty Jury upon the like order. 1 s.

For the filling of every Certificate or report. 1 s.

For every Certificate to the Lord Chancellour or Lord Keeper of loſs by fire, in order to the obtaining of Letters Patents for recovery of ſuch loſs by a charitable collection. 6 s. 8 d.

For a *Superſedeas* to every *Exigent*. 2 s. 6 d.

For the appearance and diſcharge of every one upon the *Exigent*. 8 s. 8 d.

For drawing up every Record whereupon any perſon ſtands Outlawed 4 d. *per* Sheet, and for ingroſſing in parchment and tranſmitting every ſuch Record upon Writ of *Certiorari* 8 d. *per* Sheet, in the whole. 1 s.

For taking and drawing up of every ſpecial Verdict, 6 s. 8 d.

For

For a Copy thereof *per* Sheet. 4 *d.*

For the entry of every Commitment. 1 *s.*

For the Diſcharge of any Recognizance, or other charge drawn into Eſtreat and ingroſſed ready to be tranſmitted into the Exchequer according to the length thereof and charge of parchment.

Note, that the Fees which have this mark * be taken out of the Table of Fees in the Crown Office.

To the Sheriff.

For his Warrant upon the Proceſs to be paid upon the diſcharge. 2 *s.*

For the return of every *Venire Facias* 2 *s.*

For the return of every *Diſtringas Jurator.* 11 *s.* 4 *d.*

To the Cryer.

For diſcharge of every Perſon upon Indictment, Information or recognizance. 4 *d.*

For ſwearing the Jury upon the tryal of every Traverſe. 1 *s.*

For ſwearing every witneſs to an Indictment. 4 *d.*

For ſwearing every witneſs upon a Traverſe. 4 *d.*

To the Bayliffs.

For ſerving every Summons or *Diſtringas.* 2 *s.*

For

For ſerving every other Proceſs, and taking bond of Appearance. 2 s. 4 d.

For carrying every Bill of Indictment from the Court to the Grand Jury. 4 d.

For keeping the Jury upon every Traverſe. 1 s.

To the Bayliff that keeps the Grand Jury.

For every Indictment that he receives and carries in to the Grand Jury. 4 d.

To the Gaoler.

For every Commitment to the Goal, if the party continues there. 11 s. 4 d.

To the Under Gaoler. 2 s.

Note, if a Perſon attainted of Treſpaſs, cometh in *Gratis*, and findeth Surety for his Fine he ſhall pay no Fees to the Sheriff or Gaoler; ſo if a perſon be Indicted before a Juſtice of Peace and committed till he pay his Fine he ſhall pay no Fees. *Crompton* Juſtice 176. *a Numb.* 6.

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